

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO(S). 275/2019  
(Arising out of Special Leave Petition(Crl.) No(s). 7069/2018)

THE STATE OF MADHYA PRADESH & ORS.

APPELLANT (s)

VERSUS

RAJ KUMAR JAIN

RESPONDENT (s)

O R D E R

Leave granted.

Nobody appears on behalf of the respondent in spite of service.

In these circumstances, we proceed to hear this appeal finally.

In brief, the facts are that Tendu Leaves were being illegally transported to a village with the help of a vehicle, which was subsequently seized by the forest authorities. The Forest Officer allowed the seizure to be lawful. On appeal, the Appellate Officer, upheld the findings recorded by the Forest Officer. On revision, the High Court has, by the impugned order, held that the vehicle could not have been confiscated and, therefore, directed to release the vehicle. This issue stands covered by the judgment of this Court in "State of M.P. vs. Kallo Bai (2017) 14 SCC 502, wherein this Court has held that whenever there is transportation of item which is illegal there can be confiscation of vehicle as well.

In view thereof, we allow this appeal and set aside the impugned order.

.....J.  
[A.K. SIKRI]

.....J.  
[S. ABDUL NAZEER]

NEW DELHI;  
FEBRUARY 15, 2019.

ITEM NO.47

COURT NO.2

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7069/2018  
(Arising out of impugned final judgment and order dated 31-08-2017  
in MCRC No. 11936/2012 passed by the High Court Of M.p Principal  
Seat At Jabalpur)

THE STATE OF MADHYA PRADESH &amp; ORS.

Petitioner(s)

VERSUS

RAJ KUMAR JAIN

Respondent(s)

IA 106872/2018-EXEMPTION FROM FILING O.T.

Date : 15-02-2019 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.K. SIKRI  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s) Mr. Rahul Kaushik, AOR  
Ms. Bhuvneshwari Pathak, Adv.  
Ms. Shilpi Satyapriya Satyam, Adv.  
Mr. Siddharth Chakravorty, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

Nobody appears on behalf of the respondent in spite of  
service.

In these circumstances, we proceed to hear this appeal  
finally.

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall be disposed of  
accordingly.

(ASHWANI KUMAR)  
COURT MASTER (SH)

(RAJINDER KAUR)  
BRANCH OFFICER

(Signed order is placed on the file)