

CHAPTER 20

Legal Procedures in the Trial of Wild Life Crimes

1. Trial

1.1 Meaning of Trial and Inquiry: Over a period of time the Judiciary has interpreted 'Trial' as a judicial proceeding which ends in conviction or acquittal. Trial generally means recording of evidence. It begins when the inquiry stops. Under section 2(g) of the Cr.P.C the 'Inquiry' means every inquiry, other than a trial, conducted under this code by a magistrate or court. The object of the inquiry is determination of the truth or falsehood or certain allegation with a view to taking further action according to the law. In cognizable offence, police investigation is a normal preliminary to the accused being put up for trial. In a warrant case other than on police report, the proceeding up to the framing of the charge is inquiry. The inquiry may be (a) Judicial Inquiry (b) Non-Judicial/Administrative Inquiry or (c) Preliminary Inquiry etc.

1.2 Summon Case and Warrant Case: Summon case means a case relating to an offence punishable with less than two years. A warrant case is a case relating to an offence punishable with imprisonment exceeding two years. In summon case it is not necessary to frame the charges, while it is necessary in the warrant case. Section 259 of CrPC provides that a summon case may be tried as warrant case, when in the course of the trial of a summon case relating to an offence punishable with imprisonment for a period exceeding six months, it appears to the magistrate that in the interest of the justice, the offence should be tried in accordance with the procedure for the trial of warrant case. The offence under section 38J of the Wild Life (Protection) Act, 1972 i.e. teasing, molesting etc. of Zoo animals is punishable with an imprisonment of six months (1 year for 2nd offence), hence it comes in the category of the summon case and as such can be tried summarily.

2 Initiation of Criminal Prosecution:

- 2.1 First Information Report (FIR)** An information lodged with the police and recorded under section 154 of CrPC is called as First Information Report (FIR), if it satisfies the following three conditions:
- 2.1.1 It discloses the commission of cognizable offence.
 - 2.1.2 It is given to the officer in-charge of the police station.
 - 2.1.3 It is earliest in the time.
- 2.2** The basic objects of a First Information Report (FIR) are:
- 2.2.1 To set the criminal law in motion through the agency of the police.
 - 2.2.2 To furnish to the police early information of the alleged criminal activity of the cognizable offence.
 - 2.2.3 It should be given in writing and signed by the person giving it, if given orally; it should be reduced to writing by the police officer. The refusal by informant to sign the FIR is punishable under section 180 of the Indian Penal Code. It is not a substantive piece of evidence and it can be used for the purpose of the corroboration under the section 157 of the Indian Evidence Act.

3 Cognizance of offence:

A Magistrate may take cognizance of an offence in following conditions:

- 3.1 On information given to the police under Section 154 of the CrPC i.e. a First Information Report (FIR) and filing of police report. The police report is a report forwarded by a police officer to a Magistrate under sub-section 2 of Sec. 173. This is also known as "*charge sheet*".
- 3.2 Upon information received from any person other than a police officer, or upon his own knowledge, that such offence has been committed.
- 3.3 Upon receiving a complaint which constitutes such offence. The word 'complaint' is defined in section 2(d) of the Code of Criminal Procedure, which describes the word as any allegation made orally or in writing to a Magistrate, with a view to his taking action under the code, that some person, whether known or unknown, has committed

an offence, but does not include a police report. The person, who makes an allegation or accusation or charge etc. for prosecution is called as the 'Complainant'. The Chief Judicial Magistrate may empower any Magistrate of the second class to take cognizance under section 190(1) of such offences as are within his competence to inquire into or try.

4 Complaint under the Wild Life (Protection) Act, 1972:

The provisions of Section 55 of the Wild Life (Protection) Act, 1972 provide that a complaint against a person accused of committing an offence can be filed by the following:

- 4.1 Director of Wild Life Preservation or any other officer authorized on his behalf by the central government.
- 4.2 Member Secretary, Central Zoo Authority in matters relating to the violation of the provisions of Chapter IV-A of Wild Life Protection Act, 1972.
- 4.3 Chief Wild Life Warden or any other officer authorized by the state government subject to such conditions as may be specified by the government.
- 4.4 The officer-in-charge of the zoo in respect to violation of provisions of Section 38J.
- 4.5 Any person who has given a notice of not less than 60 days, in the manner prescribed, of the alleged offence and of his intention to make complaints to the central government or the state government or the officer authorized as aforesaid.
- 4.6 Member Secretary, National Tiger Conservation Authority.
- 4.7 Director of a tiger reserve.
- 4.8 Officer of Wild Life Crime Control Bureau delegated with such powers under section 38(Z)(2)(i).
- 4.9 The Hon'ble Supreme Court held¹ "It cannot be said that the complaint does not spell out of ingredients of the offence alleged. A complaint only means any allegation made orally or in writing to a Magistrate, with a view to his taking action, that some person, whether known or unknown, has committed an offence." The court further held that a Challan filed by a Station House Officer is not

1. State of Bihar vs Murad Ali Khan, AIR, 1989, SC, 1

sufficient and a regular complaint should be filed as provided by Section 55 of the Wild Life Protection Act.

5 The Period of Limitation to file a complaint under WPA:

The period for filing the complaint, for various cases, depending upon the imprisonment prescribed, for different offences is;

- 5.1 Six months, if the offence is punishable with fine only.
- 5.2 One year, if the offence is punishable with imprisonment for a term not extending one year.
- 5.3 Three years, if the offence is punishable with imprisonment for a term exceeding one year but not extending three years.
- 5.4 No period of limitation is applicable, in relation to an offence punishable with imprisonment for a term exceeding three years.
- 5.5 On the basis of the above mentioned criterion the period of limitation for filing a complaint for different offence under the Wild Life (Protection) Act, 1972 is as follows:

1. Contravention of any provisions of the Act except Chapter IVA, Chapter IVB, Chapter VA, Chapter VIA

(i)	Contravene any provision of the act or any rule or order made there under or who commits a breach of any of the conditions of any license or permit granted under this Act.	3 Years (as it is punishable with an imprisonment up to 3 years.)
(ii)	Offence committed is in relation to any animal specified in Schedule I or part II of Schedule II or meat of any such animal or animal article, trophy or uncured trophy derived from such animal.	No limit (as it is punishable with an imprisonment more than 3 years).
(iii)	Hunting in a Sanctuary or a National Park or altering the boundaries of a Sanctuary or a National Park.	No limit (as it is punishable with an imprisonment more than 3 years.)

2. Contravention of provisions of Chapter IVA under Section 38J

Teasing, molesting etc. of any animal in a zoo.	1 year (as it is punishable with an imprisonment up to six months or 1 year in case of second offence)
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3. Contravention of provisions in relation to Tiger Reserves under chapter IVB (Inserted by the Wild Life (Protection) Amendment Act, 2006).

Offence in relation to the core area of a Tiger Reserve, hunting in the tiger reserve or altering the boundaries of the tiger reserve and abetment of such offences.

No limit (as it is punishable with an imprisonment more than 3 years).

4. Contravention of any provisions of Chapter VA.

Trade or commerce in trophies, animal articles, etc. derived from certain animals.

No limit (as it is punishable with an imprisonment more than 3 years).

5. Contravention of certain provisions under Chapter VIA

Any person who knowingly acquires, by any mode whatsoever, any property in relation to which proceedings of forfeiture are pending under this chapter.

No Limit (as it is punishable with an imprisonment more than 3 years.)

5.6 Section 469 of the Code of Criminal Procedure deals with the commencement of the period of the limitations which is summarized as under:

5.6.1 From the date of the offence.

5.6.2 Where the commission of the offence was not known to the person aggrieved by the offence or any police officer (or the authorized officers as mentioned in the WPA), the first day on which such offence comes to the knowledge of such person or to any police officer, whichever is earlier.

5.6.3 Where it is not known by whom the offence was committed the first day on which the identity of the offender is known to the forest officer or to the police officer making investigation into the offence, whichever is earlier.

5.6.4 In computing the above mentioned period, the day from which such period is to be computed shall be excluded. According to the provision of Section 473 of CrPC if the court is satisfied, it may take cognizance of an offence even after the expiry of the period of limitations, on the facts and in the Circumstance of the case that the delay has been properly explained or it is necessary in the interest of justice.

6 Essential Components of a complaint under WPA:

A complaint is the basis of success or failure of a case related to the wild life offence. Therefore, the authorized officer must provide following information in the complaint:

6.1 Basic Information

- 6.1.1 Details of authorized officer including name, designation, official address and proof of authorization (State governments have authorized officers other than forest officers).
- 6.1.2 The complaint must be filed before a court which has the jurisdiction to hear such case as elaborated in the table above. The cases related to offence of teasing of zoo animals can be filed with Judicial Magistrate (1st class). All other cases must be filed through a proper complaint before Chief Judicial Magistrate (CJM).
- 6.1.3 Provisions of different Acts/Rules/Notifications empowering any officer must be mentioned (State governments and central government has issued notifications in this regards).
- 6.1.4 The complaint must be signed by the authorized officer/complainant.

6.2 Legal Provisions

- 6.2.1 All the Acts and rules, alongwith the relevant amendments etc. which have been violated must be mentioned. Generally, the Wild Life (Protection) Act, 1972, Indian Forest Act, 1927, The Code of Criminal Procedure, 1973, Indian Penal Code, Indian Evidence Act etc must be mentioned with full title.
- 6.2.2 Relevant sections/provisions of the Wild Life (Protection) Act 1972 or any other Act must be mentioned, it is always advisable to mention as many Sections as possible / applicable, which helps in better interpretation and explanation of the offence and legal proceedings required to be followed.
- 6.2.3 Special provisions with regard to quasi-judicial powers of forest officers with regard to confiscation and barring of

- other courts and tribunal etc. from releasing the seized article must be mentioned in the complaint.
- 6.2.4 Relevant section giving definition or interpretation of certain terms such as definition of hunting, forest officer, animal scheduled animal etc. must be mentioned.
- 6.2.5 Mention the punishment etc. prescribed for such offence especially when minimum punishment is prescribed for any offence on conviction when the case relates to offence w.r.t. scheduled animals.
- 6.2.6 Whether the offence is cognizable or non-cognizable, bailable or non-bailable etc.
- 6.2.7 Relevant case laws must be mentioned in the complaint, which may play an important role while interpreting some provisions of the Act.
- 6.3 Information regarding the Offence:
- 6.3.1 Name, age, address of the offender.
- 6.3.2 Information regarding place (whether part of any national park or sanctuary etc.), time, date etc of offence.
- 6.3.3 Details of offence and related provisions under which it is described as an offence.
- 6.3.4 Sequence of events regarding the offence including details of first information of offence.
- 6.4 Details of animal, animal article, tools, weapons etc seized (Seizure Memo):
- 6.4.1 Correct name of animal, animal article or any derivative of animal.
- 6.4.2 Common and scientific name of the species.
- 6.4.3 Schedule of animal or animal article under the Act.
- 6.4.4 Details of seizure i.e. any tool, vehicle, weapons used in the offence.
- 6.4.5 The inventory of seized articles should be prepared by the officer present at the spot. Such inventory should preferably be signed by offender if arrested or any other witness also.

- 6.5 Supporting documents and information for filing a complaint:
 - 6.5.1 Complaint with all details of case including prayer.
 - 6.5.2 First Offence Report/Forest Offence Report (FOR) etc. issued in case.
 - 6.5.3 Details of arrest warrant and arrest documents.
 - 6.5.4 Panchnama (with all the details, made at the stop).
 - 6.5.5 Statements/ confession of the accused.
 - 6.5.6 Statement of witnesses along with name and addresses.
 - 6.5.7 Evidence including seizure report (search/seizure, warrant and seizure memo).
 - 6.5.8 Photographs of the locations of offence, dead animal, animal article.
 - 6.5.9 Map of the crime spot i.e. basic map (NazariNaksha) and/or survey map.
 - 6.5.10 Details of legal status of area (Gazette Notification of National Park, Sanctuary, Conservation or Community Reserve, Tiger Reserve, Reserve or Protected Forests etc.)
 - 6.5.11 Relevant government orders (GOs) or Notification w.r.t. delegation of powers under the acts and rules such as authorization for investigation, use of fire arms and filing of complaint, declaration of forest officer etc.
 - 6.5.12 Postmortem, expert or forensic Report etc.
 - 6.5.13 Remand details, if remand is required.

7 Trial Proceedings in Wild Life Offences

- 7.1 The Institution of Complaint: When a complaint is made in writing under section 200 of CrPC by a public servant acting or purporting to Act in the discharge of his official duties, the Magistrate need not examine the complaint and the witnesses as the complaint filed by the authorized officer under the Wild Life (Protection) Act, 1972, fulfills this condition.
- 7.2 If the Magistrate is satisfied that sufficient grounds exist and he decides to take cognizance of an offence under Section 204 of the CrPC, he may follow the following action:

- 7.2.1 In a summons-case, he shall issue his summons for the attendance of the accused.
- 7.2.2 In a warrant-case, he may issue a warrant, or, if he thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such Magistrate or (if he has no jurisdiction himself) some other Magistrate having jurisdiction.
- 7.2.3 In a proceeding instituted upon a complaint made in writing, every summons or warrant issued under this section shall be accompanied by a copy of such complaint.

7.3 The Pre Charge Evidence

- 7.3.1 Section 244 of the Cr.P.C provides for the pre charge evidence when the case is instituted under the Wild Life (Protection) Act, 1972. In any warrant case instituted otherwise than on a police report, the accused appears or is brought before a Magistrate, the Magistrate shall proceed to hear the prosecution and take all such evidence as may be produced in support of the prosecution. Further, the Magistrate may, on the application of the prosecution, issue a summons to any of its witnesses directing him to attend or to produce any document or other thing.
- 7.3.2 Any statement made before any forest officer is admissible as evidence and not hit by Section 25 of the Indian Evidence Act, 1872. Any statement (confessional or otherwise) of an accused recorded by a forest officer is not considered as a statement recorded before a police officer; therefore, it is admissible in evidence against the accused person.
- 7.3.3 After completion of Evidence before charge, arguments are heard on the question if the accused is entitled to discharge, or else a charge should be framed against him. If the Magistrate is of the opinion that no charge is made out, he may discharge the accused under Section 245 of the CrPC.

7.4 The Charge

- 7.4.1 After considering the evidence recorded in the proceedings under section 244 of CrPC, if the accused is

not discharged and the Magistrate is of the opinion that a charge can be framed, he may accordingly frame a charge against the accused. The offence is described in the charge by mentioning the Section of the law against which the offence has been committed.

- 7.4.2 The charge so framed is read over and explained to the accused and he is asked whether he pleads guilty or claims trial.
- 7.4.3 If the accused pleads guilty, the Magistrate shall record the plea, and may, in his discretion, convict him thereon.
- 7.4.4 If the accused refuses to plead, or does not plead or claims to be tried or if the accused is not convicted as above, he shall be required to state, at the commencement of the next hearing of the case or, if the Magistrate for reasons to be recorded in writing so thinks fit, forthwith whether he wishes to cross examine any, and if so, which, of the witnesses for the prosecution whose evidence has been taken.
- 7.4.5 The charge framed should not be defective² i.e. it must be specific stating clearly which provision of the act has been contravened and animal species involved are specified in which of the schedules of the Wild Life (protection) Act, 1972.

7.5 Examination of witnesses:

- 7.5.1 When the accused refuses to plead, the case is posted for evidence (after charge evidence) and the accused is given an opportunity to cross-examination or re-examine the prosecution witnesses. The word 'Examination' implies 'interrogation', which consists of putting a number of questions to the witness by the parties or their lawyers with a view to obtaining matters in dispute and placing them before the court. All the statements which court permits or requires to be made before it by witnesses are called 'oral evidence'. The examination of witness by the party who calls him is called "Examination-in-Chief". The examination of a witness by the opposite party is known as

2. RafiqueRamzanali Vs. A.A. Jalankar, 1984 Cr. LJ. 1960 (2) at p. 1462 (Bom): 1985 Mah. L.R. 245: 1984 Cr. L. r. 262 (Mab.)

“Cross-Examination”. The examination of a witness subsequent to the cross examination by the party which called him is described as “Re-examination”.

- 7.5.2 After completion of Prosecution Evidence the next stage is called “Statement of Accused” which is recorded under Sec. 313 Cr.P.C. The statement so recorded is without oath and cannot be used against the accused as a basis for his conviction. The accused is given an opportunity to lead evidence in his defense and this stage is termed “Defense Evidence”. The accused may in his defense produce such evidence or witnesses in support of his case, or plead, in order to prove his innocence. The defense witnesses also are subject to cross-examination by the prosecution.

7.6 Corroborative Evidence and Substantive Evidence:

The corroboration means the act of corroborating or confirming. The corroboration presupposes that there is some evidence to be corroborated. The evidence by means of which corroboration is made is called “corroborating” or “corroborative evidence”. A first information report (FIR) is corroborative evidence. A statement of a witness recorded by a judicial magistrate under section 164 of Cr.P.C during a police investigation may be used to corroborate his testimony at the trial. The word “substantive” means something essential, independent, or real. The “Substantive Evidence” means the evidence which may form the foundation of judicial decision.

- 7.6.1 The rule of corroboration by independent evidence in proof of offence relating to forests and wild life can not be insisted³. “If a crime is committed in such a manner that no other person could normally have been present in the vicinity, insistence on the rule of corroboration in such case would mar the case of justice because such insistence would only help the perpetrator to go scot free.” There is no rule of law that no evidence should be relied on unless there is corroboration. “Forest is an area where human activities are scanty except the clandestine adventures of poachers. The invaders of forest and wild life usually take care that their poaching techniques go unnoticed by others

3. Forest Range Officer Vs. Aboobacker, 1990 FLT 22 at 22 (Ker),

including wild animals. They adopt devices to keep their movements undetected. Hence, it would be pedantic to insist on the rule of corroboration by independent evidence in proof of offence relating to forests and wild life.”

7.7 Burden of Proof

7.7.1 Section 57 of the Wild Life (Protection) Act, 1972 provides that where, in any prosecution for one offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, trophy, uncured trophy, specified plant, or part or derivative thereof, it shall be presumed, until the contrary is proved, the burden of proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, trophy, uncured trophy, specified plant, or part or derivative thereof. When the trophies were recovered from the factory premises, the court held⁴ that trophies were in the possession, custody or control of the firm and the physical custody of their workman.

7.7.2 While dealing with a wild life cases involving a case of possession, custody or control of any captive animal, animal article, meat, trophy, uncured trophy, specified plant, or part or derivative thereof, it is very essential to understand the meaning of the terms possession, control and custody. The Hon'ble Supreme Court has clarified⁵ the distinction between the term “Control and Custody”. The word “control” means as verb “to exercise restraining or directing influence over; to regulate; restrain; dominate; curb; to hold from action; overpower; counteract; govern; power of authority to manage, direct, superintend, restrict, regulate, govern”. The court interpreted⁶ the term “Possession” to be a polymorphous term, which may have different meanings but according to Salmond it is a test for determining “whether a person is in possession of anything is whether he is in general control of it”.

4. BabuLal and another Vs. State (Delhi Administration), 20 (1981) Delhi Law Times 354, 1982 Fri. L.J. 41 (45, 46), (1981) CC Cases Delhi 150

5. Niranjana Singh and another Vs. Prabhakar Rajaram Kharote and others, (1980) 2 SCC 559: AIR 1980 SC 785

6. Superintendent and Remembrance of Legal Affairs, West Bengal Vs. Anil Kumar Bhunia and others, AIR 1980 SC 52; (1979) 4 SCC 274, 1979 Cr.L.J. 1390).

7.8 Acquittal or Conviction:

- 7.8.1 After the final arguments and hearing both the parties, if the Magistrate finds the accused not guilty, he shall record an order of acquittal. On the other hand, if the Magistrate finds the accused guilty, he shall, after hearing the accused on the question of sentence, pass sentence upon him according to law.
- 7.8.2 In many cases under the Wild Life (Protection) Act, 1972 on conviction, minimum punishment is prescribed. There are many instances where even after conviction the accused is given lesser punishment than the minimum prescribed under the Act. Therefore, whenever the accused is found guilty of such offences, the complainant or the public prosecutor must press for the minimum punishment by citing the relevant provision under the Act.

7.9 Summary Trials:

- 7.9.1 The procedure of summons-cases is followed in summary trials. If the case is one in which there is no appeal, no record is made of the evidence or charge sheet framed. The Magistrate must enter into a register book the particulars mentioned in section 263 of the Cr.PC, i.e. (i) The serial number of the case. (ii) The date of commission of the offence. (iii) The date of report or complaint. (iv) The name of complainant (if any). (v) The name, parentage and residence of the accused. (vi) The offence complained of and offence proved, and in case of theft, receiving stolen property and assisting in concealing property (property not exceeding Rs. 200/-), the value of property. (vii) The plea of the accused and his examination (if any). (viii) The finding. (ix) The sentence or other final order. (x) The date on which the proceedings terminated
- 7.9.2 In every case in which the accused does not plead guilty, the Magistrate shall record the substance of the evidence and a judgment containing a brief statement of the reasons for the finding (Section 264). If an appeal is permitted by law, the Magistrate, before passing the sentence, shall record a judgment containing the substance of the evidence and also the particulars named in Section 263 (Section 264).

- 7.9.3 The summary trial, greatly reduces the labour of writing down evidence etc. at the trial. The accused would be charged orally on the basis of the prosecution evidence, or the complaint would be stated, and the accused at once asked if he had any plea to make; and only if he denies the complaint, would evidence be taken.
- 7.10 Appeal:
- 7.10.1 Under Section 378 of the Cr.PC an appeal against acquittal of the accused lies to the Hon'ble High Court only, whereas an accused on conviction has right of appeal against his conviction and sentence to the next superior court under Section 374 of the Cr.P.C. The time limit for filing the appeal to the high court is 60 days from the order of acquittal.
- 7.10.2 Hon'ble Delhi High Court held⁷ that two appeals pertaining to the same accused raising a common question can be decided by a single judgment. Further the Hon'ble Supreme Court maintained the same in Criminal Appeal Nos. 336 and 337 of 1994.
- 7.11 Appeal against the sentence:
- 7.11.1 Under Section 377 of the CrPC, appeal against the sentence can be filed by adopting the following procedure:
- 7.11.2 The state government may in any case of conviction on a trial held by any court other than a Hon'ble High Court, direct the Public prosecutor to present an appeal to the Hon'ble High Court against the sentence on the ground of its inadequacy.
- 7.11.3 When an appeal has been filed against the sentence on the ground of its inadequacy, the Hon'ble High Court shall not enhance the sentence except after giving to the accused a reasonable opportunity of showing cause against such enhancement and while showing cause, the accused may plead for his acquittal or for the reduction of the sentence.
- 7.12 Appeal on Acquittal:
- 7.12.1 Section 378 of the CrPC provides for the procedure for filing an appeal against the acquittal by the court provided that no appeal under this shall be entertained except with

7. In Revision petition filed in HC Delhi in *Sansar Chand Vs. State* 1994 (28)

the leave of the Hon'ble High Court.

7.12.2 The State Government may, in any case direct the public prosecutor to present an appeal to the Hon'ble High Court from an original or appellate order of acquittal passed by any court other than a Hon'ble High Court or an order of acquittal passed by the court of session in revision.

7.12.3 If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present an appeal to the Hon'ble High Court.

7.13 Disposal of Property

7.13.1 The court may order for the custody and disposal of property, regarding which an offence is committed or which is produced before the Court or which is in its custody. The procedure for disposal of such property is laid down in Section 451 and 452 of the CrPC.

7.14 Order for custody and disposal of property pending trial in certain cases

7.14.1 When any property is produced before criminal court during an inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy and natural decay, or if it is otherwise expedient so to do, the court may after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

7.15 Order for disposal of property at conclusion of trial

7.15.1 The court may make such order as it thinks fit for the disposal, by destruction, confiscation or delivery to any person claiming to be entitled to possession thereof or otherwise, of any property or document produced before it or in its custody, or regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

Important Formats which may be used by the Forest Officers during trial after appropriate amendment where required have been given in the following pages:-

Government of Rajasthan

Forest Department

Mauka-Panchnama

[Rule 52]

Under sectionof.....Act,.....

F.I.R. No.Dated

1. Place

2. Date 3. Time.....

3. By Forest Officer :Name andAddress.....

5. In Presence of

1.....

(Name and address)

2.....

3.

Situation or the factual report of place (Mauka)

.....
.....
.....
.....
.....
.....
.....

Aforesaid MaukaPanchnama is the correct report of the place of incidence. It has been prepared by Shriat the place mentioned above where the incident took place Thispanchnama has been read over by Shri. and the persons who were present were made aware of it by making a hearing of it. The persons present during the preparation of the aforesaid report have on hearing the report found it correct and they have put their signatures/ Thumb impression as witness to the facts.

Thumb Impression
or Signature of Accused

Signature of present people

Signature of Officer

Government of Rajasthan

Forest Department

NazariNaksha

NazariNaksha in reference to FIR No..... dated..... has been
prepared by Shri.....
..... designation.....
address..... on date
Time in the presence of
Shri..... s/o resident
of
.....

Signature

Note:NazariNaksha should be drawn at the place of incidence containing details of actual offence & its surrounding, geographical location, permanent structures, position of offender & affected person/ wildlife.

Government of Rajasthan
Forest Department

Seizure Memo

Under section of the Act,

In reference of F.I.R. Number. Dated

1. At Place 2. Date 3. Time

4. Officer making the seizure (Name and Address)

..... 5. In presence of Name
& Address:

1.

2.

3.

6. Name of the accused from whom the seizure has been made

7. Detail of Offence

.....
.....
.....

(under section of Act,
.....)

8. Details of seized property

.....

This seizure Memo has been prepared on commencement of offence under the Act, on contravention of section of in exercise of the powers conferred under section of the Act, Articles mentioned in seizure memo have been compared with the original on ground.

1. Seized articles have been covered by cloth and sealed by affixing the seal as shown below:

2. Seizure memo has been affixed on the vehicle.

Signatures of Witnesses.

Signature of accused.

Signature of Officer making seizure

Government of Rajasthan

Forest Department

Arrest-Personal-Search Memo

Under section of Act,

In reference to F.I.R. Number, Dated
.....and on contravention of section of the provisions
of Act,at
(Name of place)Date Time the accused Sh
.....
.....(name and address) s/o Sh
..... caste
..... age resident of police
station District (all as furnished by accused
himself) has been arrested by Sh
Designation under the powers conferred under sectionof
..... Act,..... in presence of

1 Shris/o.....

2 Shris/o.....

3 Shris/o.....

Identification marks of the accused are as under :-

1. Clothes2. Body Structure.....3.Colour
.....

4. Special identification mark.....5. Height6.Any injury at the
time of arrest.

In case of any injury, details of medical facility provided by I/O., if any,
.....

The arrest memo has been written by Shri and the
accused & independent witness have been made aware of its contents by reading
over the memo loud enough to make it audible to all signing hereinunder. The
Accused has been duly informed about his right to have with him one of his
relatives, friends, a person who is known to him or likely to have an interest in him
or his counsel and was asked as to who has to be informed about his arrest and place
of retention.

Signature of accused. Signature of independent witnesses Signature of Officer

receipt of memo by the relative of accused.

Government of Rajasthan

Forest Department

Search Memo

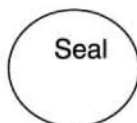
Under sectionof Act, /.....

In reference to F.I.R. Number. Dated on
contravention of sectionof
Act, the accused Shri S/o Shri
.....resident of police station
.....Districthas been arrested by Forest Officer Shri
..... under the powers conferred by sectionof the
..... Act, A search was made by Shri
.....in the presence of Shri & the
following articles were recovered from the accused other than the clothes worn by
the accused.

Name of articles and specification :-

- 1.....
- 2.....
- 3.....

All the articles were covered by clothes and they were sealed by affixing the
following seal.



Signature of Accused. Signature of independent witness Signature of officer

Copy received (by the relative of accused.)

Government of Rajasthan

Forest Department

Office of Range Officer ----- Distt -----

No.

Date

The Civil Judge (J.D.) or concerned Court

-----.

Sub:- Information of Arrest / Seizure in reference to FIR Number.....
Datedin contravention of Section read with section ---- of the
..... Act,

Sir,

In reference to subject cited above, this is to submit that the accused Shri ----
----- was / were arrested on contravention of Section -----
read with section.....of the Act, on (date) ----
----- time-----from place ----- by the undersigned. A case has been
lodged against the accused vide FIR Number. ----- Dated for
contravention of section of the Act by the accused. He / they, on conviction, are
punishable with imprisonment for a term which may extend
to.....

In the process of investigation, the articles, forest produce, Government
property and the tools, vehicle used in offence have been seized. A seizure memo
has been prepared of which a copy is enclosed herewith.

Following accused persons have been arrested in this case.

S.No.	Name of person	Father's/ Husband's name	Age	Resident of	Police Station	Signature/ thumb impressions of Accused
1						
2						
3						

Information of Arrest has been sent to the relative of the accused.
Investigation of the case is still pending. So kindly issue the orders for Judicial
custody of aforesaid accused .

OR

In this case the recovery of (Name of articles) is to be done, so
kindly issue the order of Forest custody of aforesaid accused. Case diary is enclosed
for kind perusal.

Yours sincerely

(Signature) Range Officer

Government of Rajasthan

Forest Department

Search Warrant

U/s. 50 (8)(a) of Wildlife (Protection) Act, 1972

In the case State V/sF.I.R. Number.
datedon the contravention of Section of
Wildlife (Protection) Act, 1972

Date & Place where search is to be made	Name of the owner of place where search is to be made	Material which is to be searched	Reason of search to be made
1	2	3	4

Signature of Authorized Officer

Shri. S/o. Shri Designation..... is
hereby authorized to make search at the aforesaid place as I am unable to make
search personally because of following reasons:

- 1.
- 2.

Signature of Authorized Officer with seal

Government of Rajasthan

Forest Department

TO ENFORCE THE ATTENDANCE OF WITNESS

or to compel the discovery and production of documents and material objects.

Under section 50 (8)(b)(c) of Wildlife (Protection) Act, 1972 and section 72 of Rajasthan Forest Act, 1953.

To

.....

.....

.....

A complaint has been made to me that Shri
S/o Shri has contravened section of
..... Act, at (place) on
(date)time.....

I assume that he should present himself before the undersigned for instant
evidence and / or produce documents
(name of documents) and material objects
.....

(name of material objects).

Therefore, he is hereby summoned to give evidence in the aforesaid case/and
provide details of whatever is known to him in this regard and produce
.....(name of the document/ material object) before the office of the
undersigned on(date) at(Time).

He is directed to appear in person and not to leave the office of the
undersigned without permission.

He is further warned that if he fails to attend this office without any
justified and reasonable reason, he will be compelled to attend this office through
warrant,u/s of theAct.....

Seal of office

Date

Signature of the Authorized Officer

Government of Rajasthan

Forest Department

TO RECEIVE AND RECORD EVIDENCE

u/s.50(8) of Wild Life (Protection) Act, 1972.

(Witness to sign such statement. If the accused agrees then his signatures be also appended. The authorised officer must explain to the person giving the statement that statements given by him / her can be used against him / her. He/ She should not be compelled to give the statements. Even then if he / she willingly decides to record his/her statements then it should be recorded while making a mention of this fact in the statement and used where required)

The statement of the Accused / witness is hereby recorded in the presence of the accused. Accused has been given an opportunity to put questions, if any, to such witness.

Name of the Witness

.....

Fathers Name

.....

Age

.....Address.....

Statement

Signature of witness

Signature of Authorized
Officer

If the accused agrees then signature of accused.

PROCEEDING SHEET (Case Diary)

- (1) Alleged offence with particulars of property seized.
- (2) Name, parentage and residence of offenders (If known).
- (3) Date of commission of offence.
- (4) Name of detecting officer.
- (5) Date and hour of detection.
- (6) No. and date and hour of submission of preliminary offence report.
- (7) Date and hour of receipt of preliminary report.

Date and hour at which enquiry commenced	Place	Proceedings of the Enquiring Officer in brief (Note) Each entry should be signed and dated by the Enquiring Officer, giving the time at which enquiry closed.	Signature of the person In acknowledgement of The orders with date.
1	2	3	4

Register of Forest CaseRange.....Division, Rajasthan for the month of.....19
(The month should open with a fresh page.)

Serial No. of case	No. & date of preliminary offence report	By whom reported.	Alleged offence with name, parentage and residence of offenders.	Name and designation of Inquiring officer with date of receipt of preliminary offence reported by him	Date of receipt of enquiry from the enquiring officer.	Date of despatch of case of Divisional Forest Officer.	Date of receipt of case from Forest Officer with an abstract of the orders		Date of return of the case to Range Assistant for recovery	Date of receipt of the case from Range Assistant after compliance.	Date of return of case to Divisional Forest Officer	Remarks (Details of recoveries, reminder to Range Asstt. Etc.)
							Date	Abstract of order				
1		3	4	5	6	7	8	9	10	11	12	13