

Andhra Pradesh Forest Offences (Compounding and Prosecution) Rules, 1969

ANDHRA PRADESH

India

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Rule

ANDHRA-PRADESH-FOREST-OFFENCES-COMPOUNDING-AND-PROSECUTION RULES, 1969

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Andhra Pradesh Forest Offences (Compounding and Prosecution) Rules, 1969 In exercise of the powers conferred by section 68 of the Andhra Pradesh Forest Act, 1967 (Act No.1 of 1967), and all other powers hereunto enabling the Governor of Andhra Pradesh hereby makes the following rules

1.

These rules may be called the Andhra Pradesh Forest Offences (Compounding and Prosecution) Rules, 1969.

2.

In these rules unless the context otherwise requires: (a) "accused" means any person who committed or in respect of whom it may be reasonably inferred that he has committed a forest offence; (b) "form" means a form appended to these rules.

3.

(1) When a forest offence is booked in Form-A it shall be dealt with in the manner hereinafter provided. (2) The forest produce seized may be kept in the safe custody of the Forest guard or Forest Watcher and a certificate to that effect shall be obtained in Form-C (3) The report of seizure of the forest produce shall be submitted immediately to the next superior officer as well as Divisional Forest Officer as prescribed in Form-B

4.

An enquiry into a forest Offence shall be held by an Officer not below the rank of a Deputy Range Officer or Forester.

5.

Every accused who expresses his willingness to have the offence compounded as provided in rule 4 shall forthwith give a written undertaking in that regard in Form D

6.

If, immediately after the offence is detected or at the time of enquiry, the accused is willing to pay in advance any amount towards compensation to be fixed under section 59 of the Act, any Forest Officer not below the rank of a Forester, may accept such amount and shall issue a receipt duly signed by him for the amount so received. Provided that the acceptance of any amount as aforesaid shall be without prejudice to any decision that may be taken by the competent authority under these rules in regard to the quantum of compensation or the necessity or otherwise to compound the offence.

7.

Any property seized from an accused shall not be released immediately on receipt of the amount of advance compensation paid by him under rule 6 but shall be retained with the forest officer concerned until an order in this behalf issued by the competent authority under rule 8, is received by him.

8.

Where the accused gives an undertaking as specified in rule 5, in the case of (i) all the forest offences, the Divisional Forest Officer or the Sub-Divisional Forest Officer: (ii) all the forest offences where the value of the forest produce involved does not exceed Rs.50,000, the Ranger shall be competent to compound the offence under Section 59 by passing an order in this behalf. Every order so passed shall be in Form-E and shall be communicated to the accused immediately on such passing. (iii) However, Forest Range Officers shall not compound any offence involving fast moving motorised vehicles, sandal wood and red sanders.

9.

Every Officer competent to compound the offence may refuse to compound an offence in any particular case without assigning any reasons. Provided that where the competent officer refuses to compound an offence, the amount that has been received towards advance compensation from the accused under rule 6 shall be arranged to be refunded to him by such officer by passing a suitable

order in this behalf.

10.

(1) Any person aggrieved by an order passed by an officer under rule 8 may prefer an appeal, within fifteen days from the date of receipt of such order, to the Sub-Divisional Forest Officer and where there is no such Sub-Divisional Forest Officer, to the Divisional Forest Officer, in case such order is passed by a Ranger and to the Conservator, in case such order is passed by Sub-Divisional Forest Officer or Divisional Forest Officer, and the order passed thereon by the appellate authority shall be final. (2) The appellate authority referred to in sub-rule (1) may, where no appeal is preferred within the period specified in that sub-rule against any order passed under rule 8, call for and examine the record of such order so as to satisfy itself as to the legality, propriety and regularity of such order and may pass such order in relation thereto as it may deem fit: Provided that the appellate authority shall not enhance the amount of compensation payable by the accused unless an opportunity of making his representation against such enhancement is given to him.

11.

(1) The amount of compensation fixed under rule 8 shall be paid by the person concerned within one month from the date of receipt by him of the order compounding the offence. (2) In case the amount of compensation so fixed is not paid in full within the period aforesaid, action to recover the same may be taken as provided under Section 70 of the Act.

12.

In case the value of forest produce, seized is less than Rs.50,000 Rupees fifty thousand and where the accused does not opt for compounding the offence or the competent authority does not choose to compound the offence, the Forest Range Officer may order the prosecution of the accused. In all other cases, where the accused does not opt for compounding the offence or the competent authority does not choose to compound the offence, the Sub-Divisional Forest Officer, Managers of primary marketing societies under the administrative control of Girijan Co-operative Corporation Ltd., or the Divisional Forest Officer may order the prosecution of the accused.

13.

Where an order of prosecution is passed under rule 12, a Forest Officer not below the rank of a Forester authorised in this behalf or the Manager of a Primary Marketing Society, under the administrative control of the Girijan Co-operative Ltd., the officer so authorised or such Manager of the Primary Marketing Society, under the administrative control of the Girijan Co-operative Corporation Ltd., as the case may be shall file a charge sheet in Form-F before the Magistrate having jurisdiction or before the Authorised Officer Appendix A Form - A [See Rule 3(1) Andhra Pradesh Forest Offences (Compounding and Prosecution) Rules, 1969]..... Division.....
Range Book No. Report No. Preliminary Offence Report

- 1. Name, Parentage and Address of the Accused person(s).**
- 2. Nature of Offence**
- 3. Place where Offence occurred and place of seizure**
- 4. Date and time of detection of offence**
- 5. Name and address of complainant/detector**
- 6. Description and value of forest Produce involved in Forest Offence with measurements and Quantity**
- 7. Description of vehicles, tools, etc., used in committing of Forest Offence.**
- 8. Name and address of Witnesses.**

Date: Appendix B Form - B [See Rule 3(2) of Andhra Pradesh Forest Offence (Compounding and Prosecution) Rules, 1969] Book No. Serial No. Report of seized property in a Forest offence (under section 44 of A.P. Forest Act, 1967). To The Divisional Forest Officer, Division. I submit that the following Property is seized by me on in connection with a Forest Offence.

- 1. Name of accused with address**
- 2. Nature of Offence.**
- 3. Particulars of property.**
- 4. Belt/Section.**

Signature: Designation: Appendix C Form - C [See Rule 3(3) of Andhra Pradesh Forest Offences (Compounding and Prosecution) Rules, 1969] Certificate of Safe Custody The following articles involved in a forest offence are in my safe custody. They are given in my custody by .(name and designation) on ..I undertake to safeguard them from damage and loss and shall produce the same on demand by an authorised officer of forest Department. Details of articles taken over : Date: Signature: Designation: Signature of the Forest officer who seized the articles and handed over to the custodian. Appendix D Compounding Statement Form - D Compounding Statement. [See rule 5 of the Andhra Pradesh Forest Offences (Compounding and Prosecution) Rules, 1969]. I, son of resident of being accused for forest offence hereby undertaken of my own free will to pay compensation under the Andhra Pradesh Forest Offences (Compounding and Prosecution) Rules, 1969.

2. Should I fail to remit the amount of Compensation imposed, the same may be recovered as if it were an arrear of land revenue as provided in the Andhra Pradesh Forest Act, 1967.

3. I also clearly understand that compounding of the offence by the competent authority under the rules is discretionary and my willingness to pay compensation or payment made in anticipation of compounding order does not prevent the competent authority to decide a different course of action.

Particulars:

1. Name of the accused :

2. Father's Name :

3. Permanent Address :

4. Temporary Address :

5. Particulars of Offences under investigation :

6. Where immovable properties situated, if any ;

7. Signature of the accused.

Date:Signature of the witnesses :Address :(1)Address :(2) Date:Name, designation and Signature of the Forest Officer receiving this Statement.Appendix EForm - E[See Rule 8 of the Andhra Pradesh Forest Offences (Compounding and Prosecutions) Rules, 1969.]Offence File No.In view of the compounding statement given by the accused Sri. I hereby order that a sum of Rs. be paid to wards compensation by the Accused.

2. On payment of the compensation amount in full the seizures detailed hereunder shall be released. The seized forest produce detailed hereunder is forfeited the State.

Details of Seizures.

3. If the compensation is not paid in full within thirty days from the date of receipt of this notice, action to recover the same, if necessary, will be taken as if it were an arrear of land revenue.

4. Appeal lies on this order to the Sub-Divisional Forest officer/Divisional Forest Officer/Conservator of Forests if preferred within fifteen days from the date of receipt of this order.

5. He is requested to acknowledge receipt of this order affixing the date of receipt also.

Place:Date:Compounding Authority: Designation:Through Range Officer/Deputy Range Officer/Forester.ToSriCopy in duplicate to Range Officer/Deputy Range Officer/Forester. He is requested to take further action as per the Andhra Pradesh Forest Offences (Compounding and Prosecution) Rules, 1969.Appendix FForm - F[See Rule 13 of the Andhra Pradesh Forest offences (Compounding and Prosecution) Rules, 1969]Range/Taluk.Forest Offence Report Date.ToThe Magistrate.

1. Locality and date of Offence :

**2. When, where, and by whom detected and by whom and when reported ;
No. and date of report :**

3. Number, name, age, parentage, caste, calling and residence of the accused ; and if arrested, by whom, when and where.

4. Nature of offence and under what rule and section liable ; if the offence is theft of forest produce, state whole quantity and value involved. If the offence is illegal grazing, state the number and description of the animals:

5. Number, name, parentage, calling and residence of witnesses. Points on which evidence of each witness is received ;

6. Nature of the defence. State whether the accused is willing to compound ;

7. Description and value of produce etc. seized by whom and when.

8. In whose charge, and by whom and when left ; and where the receipt is recorded ;

9. History of the case ; Nature and date of enquiry by the undersigned :

Place :Date:Signature :Designation : (To be written in duplicate at a time using carbon paper. Original to be filed as charge sheet and duplicate to be retained as office copy).