

## **State Of Maharashtra vs Mahipati Krishna Ingavale Etc. Etc. on 12 April, 1977**

**Equivalent citations: AIR1977SC1200, 1977CRILJ968, (1977)4SCC598C, AIR 1977 SUPREME COURT 1200, 1977 SC CRI R 221, 1978 (1) SCWR 401, 1977 SCC 671 (2), 1977 4 SCC 598 (2)**

**Author: P.K. Goswami**

**Bench: P.K. Goswami, P.N. Shinghal, Y.V. Chandrachud**

### **JUDGMENT**

P.K. Goswami, J.

1. In these appeals by special leave at the instance of the State of Maharashtra the question of the scope of Section 377 (sic) and (2), Cr.P.C. arises for consideration.
2. The State preferred appeals against the inadequate sentence awarded by the trial court in each of the three cases tried for offences under Section 33(1)(c), (f) and (h) of the Indian Forest Act. The sentence was a nominal fine of a few rupees in each case.
3. The High Court rejected the appeals as incompetent on the ground that the State of Maharashtra was not entitled to prefer the appeals under Section 377(1), Cr.P.C. The High Court held that since the offences were under a Central Act and the investigation or enquiry was conducted only by Forest Officers under the provisions of the Act the Central Government alone was competent to prefer the appeals under Section 377(2), Cr.P.C. However, the High Court also dealt with the merits of the appeals and held that there was no justification for interfering with the sentence in all the three cases.
4. We have delivered our decision today in Eknath Shankarrao Mukkawar v. State of Maharashtra Criminal Appeal No. 577 of 1976 : where an identical question about the scope of Section 377(1) and (2), Cr.P.C. was considered. These appeals will be governed by the said decision for the identical reasons. The High Court was, therefore, not right in holding that the appeals by the State were incompetent. We, however, agree with the High Court that there was no justification for interference with the sentence in all the three appeals.
5. The judgment of the High Court with regard to the maintainability of the appeals is set aside but the rest of the order in each appeal stands. The appeals are thus dismissed.