

**IN THE COURT OF SESSIONS JUDGE, KATNI,
DISTRICT KATNI (M.P.)****(Present : Jitendra Kumar Sharma)**

Registration No. :- CRA/73/2025
Filing No. :- CRA/7167/2025
CNR No. :- MP21010093362025
Date of Institution :- 30.07.2025

1. Indal son of Ramprasad Singh, aged about 38 years,
2. Santan son of Tulsi Singh, aged about 40 years,
3. Mantu son of Acchelal Singh, aged about 50 years,
4. Surendra alias Munda son of Ram Singh, aged about 35 years,
-----resident of village Sailarpur police station Sleemnabad,
District Katni (MP)
5. Rajendra son of Guljar Singh, aged about 60 years,
6. Guman Singh son of Dhoop Singh, aged about 35 years,
7. Ajeet son of Rewa Singh, aged about 40 years,
-----resident of village Amgawan, police station/Tehsil Badwara,
District Katni (MP)
8. Daryab son of Mantri Singh, aged about 30 years,
9. Raju son of Jugraj Singh, aged about 45 years,
10. Malkhan son of Milap Singh, aged about 40 years,
-----Resident of village Bhitrigarh, police station Sleemnabad,
District Katni (MP)
11. Jai Singh son of Munshi Singh, aged about 40 years, resident of



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village Durghati Pipariya, police station Sleemnabad, District Katni (MP)

12. Rajendra Singh son of Gayadeen Kuchhbandia, aged about 49 years, resident of village Prathvipur, police station Prathvipur, District Tikamgarh (MP)
13. Ram Singh son of Suraj Singh, aged about 60 years, Resident of village Maina Pipariya, District Panna (MP)
14. Pratap son of Shital Singh Gond, aged about 36 years, Resident of village Tilwara, police station-Tilwara, District Jabalpur (MP)
15. Shobhran alias Ballu son of Shital Kuchbandia, aged about 45 years, Resident of village Garhi District Datia (MP)

.....Appellants/accused

Versus

State of M.P. through Forest Range Dhimarkheda District - Katni (M.P.)

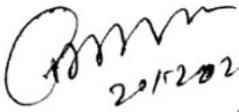
.....Respondent/Prosecution



This appeal arises out of the private complaint no. POR 3048/01 dated 21.02.2016), under the Wild Life (Protection) Act,1972 registered at forest range office, Deemarkheda, district Katni (M.P.)

For Appellants: Shri Pramod Mishra Ad. Shri Atal Bihari Vajpayee, Brij Bihari Vajpayee, Advocate and Deepnarayan Tiwari Ad.

For Respondent : Shusri Manjula Shrivastava, Ad.


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-: : Judgment : :-

(Passed on this 20th day of January, 2026)

1. This appeal is preferred under section 415 of Bharatiya Nagrik Suraksha Sanhita, 2023 (for brevity BNSS) against the judgment and order dated 25.07.2025 of the Judicial Magistrate First Class Dhimarkheda, District Katni, (M.P.) passed in RCT no.100193 of 2016 (CNR no. MP2106-001141-2016) M.P. Forest Range vs Indal & others. By this judgment the appellants, who are accused in this case, have been convicted and sentenced as under:-

No.	Name of accused	Conviction under section	Sentence	Fine	In default of payment of fine, additional sentence
1.	Indal Singh Singh	under section 9, 39, 48A, 49B read with section 52 of the Wild Life (Protection) Act, 1972	for each, 03-03 years rigorous imprisonment	For each offence ₹10,000-10,000 total ₹ 40,000/-	03 months rigorous imprisonment
2.	Ram Singh	under section 9, 39, 48A, 49B read with section 52 of the Wild Life (Protection) Act, 1972	for each, 03-03 years rigorous imprisonment	For each offence ₹10,000-10,000 total ₹ 40,000/-	03 months rigorous imprisonment
3.	Santan Singh	under section 9, 48A, 49B read with section 52 of the Wild Life (Protection) Act, 1972	for each, 03-03 years rigorous imprisonment	For each offence ₹10,000-10,000 total 30,000/-	03 months rigorous imprisonment
4.	Surendra	under section 9, 48A, 49B read with section 52	for each, 03-03 years rigorous	For each offence ₹10,000-10,000	03 months rigorous

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		of the Wild Life (Protection) Act, 1972	imprisonment	total ₹ 30,000/-	imprisonment
5.	Ajeet	under section 9, 48A, 49B read with section 52 of the Wild Life (Protection) Act, 1972	for each, 03-03 years rigorous imprisonment	For each offence ₹10,000-10,000 total ₹ 30,000/-	03 months rigorous imprisonment
6.	Daryab	under section 9, 48A, 49B read with section 52 of the Wild Life (Protection) Act, 1972	for each, 03-03 years rigorous imprisonment	For each offence ₹10,000-10,000 total ₹ 30,000/-	03 months rigorous imprisonment
7.	Raju	under section 9, 48A, 49B read with section 52 of the Wild Life (Protection) Act, 1972	for each, 03-03 years rigorous imprisonment	For each offence ₹10,000-10,000 total ₹ 30,000/-	03 months rigorous imprisonment
8.	Jai Singh	under section 9, 48A, 49B read with section 52 of the Wild Life (Protection) Act, 1972	for each, 03-03 years rigorous imprisonment	For each offence ₹10,000-10,000 ₹ 30,000/-	03 months rigorous imprisonment
9.	Pratap	under section 9, 48A, 49B read with section 52 of the Wild Life (Protection) Act, 1972	for each, 03-03 years rigorous imprisonment	For each offence ₹10,000-10,000 total ₹ 30,000/-	03 month rigorous imprisonment
10.	Mantu Singh	under section 49B read with section 52 of the Wild Life (Protection) Act, 1972	03 years rigorous imprisonment	₹10,000/-	03 months rigorous imprisonment
11.	Rajendra	under section 49B read with section 52 of the Wild Life (Protection) Act, 1972	03 years rigorous imprisonment	₹10,000/-	03 months rigorous imprisonment
12.	Guman	under section 49B read	03 years	₹10,000/-	03 months

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		with section 52 of the Wild Life (Protection) Act, 1972	rigorous imprisonment		rigorous imprisonment
13.	Malkhan	under section 9, 49B read with section 52 of the Wild Life (Protection) Act, 1972	for each, 03-03 years rigorous imprisonment	For each offence ₹10,000-10,000 total ₹ 20,000/-	03 months rigorous imprisonment
14.	Rajendra	under section 48A, 49B read with section 52 of the Wild Life (Protection) Act, 1972	for each, 03-03 years rigorous imprisonment	For each offence ₹10,000-10,000 total ₹ 20,000/-	03 months rigorous imprisonment
15.	Shobhran	under section 48A, 49B read with section 52 of the the Wild Life (Protection) Act, 1972.	for each, 03-03 years rigorous imprisonment	For each offence ₹10,000-10,000 total ₹ 20,000/-	03 months rigorous imprisonment



2. Shraavan Thakur pw1 and Sudhir Kumar Baxaria pw5 were posted as Forest Guards, Indramani Prasad pw3 as a Forest Range Officer, Dinesh Singh Patel pw8 as a Range Assistant in Dhimarkheda Range, and M.S.Bhagatia pw7 as a Deputy Forest Range Officer in the Forest Circle, Katni. The Indian pangolin (scientific name, Manis crassicaudata) is a wild animal specified in entry no.28 Schedule I, Part A of WLPA.

3. In this appeal, appellants and respondents would be referred to as accused and prosecution as they have been referred by learned trial court. The Wild Life (Protection) Act, 1972, Code of Criminal Procedure, 1973 and Indian Evidence Act, 1872 would be referred to as WLPA, Code and IEA.

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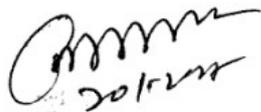
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4. The Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023 would be referred to as BNS, BNSS and BSA respectively.

5. Factual matrix of the cases are as follows:- On 20.02.2016 between 10 pm to 11 pm, a Forest Department team led by Indramani Prasad, was conducting a routine patrol in the Sailarpur area of the Demarkheda Forest Range. Indramani Prasad got a tip-off that a person would be passing through the forest way near Bhitargarh pond carrying skulls of Indian pangolins (for brevity pangolins), locally known as Salu, which is an endangered species and is listed at serial number 28 in Schedule-I of the WLPA.

6. Thereafter, acting upon the secret tip-off, the forest team reached the place indicated by informer. The team kept strict vigil. At 06:00 am next morning. They spotted a man coming with a bag. He introduced himself as Indel Singh. The team intercepted and detained him. A search of his bag led to the recovery of 03.00 kg to 04.5 kg of pangolins skulls. He was arrested and interrogated. Memo of seizure, memo of arrest, confessional statement of the accused and panchnama were prepared.

7. Accused Indal Singh was taken in custody and interrogated. During the course of investigation, the name of other accused and their complicity in offence came into light. All the accused were arrested and interrogated. The mobile call details of the accused were also collected. They all confessed to their involvement in the illegal trafficking of pangolins and described their modus operandi. They were found to be members of a well-



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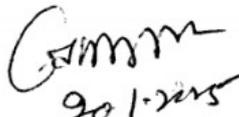
organized racket. All the accused was found having links with wildlife trade smugglers.

8. It was also found that that the two pangolins were caught from their burrows, one was caught by the accused Santan Singh, Indal Singh, and Santosh Singh and the other was caught by the accused Raju Singh, Malkhan Singh and Daryab Singh. The accused killed and put pangolins in boiling water and removed their scales. The accused Raju Singh then sold the skulls to the accused Indal Singh. The skulls were also recovered from the house of the accused at his at his instance.

9. The seized skulls were packed and sealed and sent to the School of Wildlife Forensic and Health (in short SWFH) Jabalpur for examination, where they were identified as pangolin skulls.

10. After complying with necessary formalities private complaint no. POR3048/01 dated 21.02.2016 for violation of under section 9, 39, 42, 44,48A and 49B of WLPA, which are punishable under Sections 51 and 52 of this Act, before the trial court.

11. The accused Mantu Singh, accused no.11 Rajendra Singh ,accused Guman Singh were charged for the offence punishable under 52 of WLPA for violating provisions of section 49B of the Act. The accused Malkhan was charged under section 9 and 49B read with section 52 of the Act. The charged under section under section 48A and 49 B read with section 52 of WLPA were farmed against the accused accused no.14 Rajendra and Shobran. Other accused were charged under sections 9,48A and 49B read with section 52 of the WLPA.


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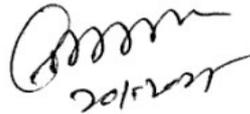
12. All the accused abjured their guilt and claimed to be tried. In statements recorded under section 313 of Code, they took the usual plea of innocence and false implication. The accused did not examine any witness in defence.

13. Relying upon the evidence relating to the recovery and confession of the accused, the learned trial court has convicted and sentenced to the all accused by the impugned judgment, as mentioned above.

14. The grounds for filing the appeal inter alia are that appreciation of evidence was not conducted properly. The independent witnesses were not examined. The witnesses have turned hostile. The fine imposed on accused exceeded the prescribed limit. The accused were deprived of their valuable right to cross-examine the witnesses. They have been convicted on the basis of inadmissible evidence.

15. **--: The points for determination, decision thereon and reasons for decision :-**

- i. Whether the skulls recovered on 21.02.2016 around 06:00 - 08:00 am on the bank of on the Sailarpur to Amangwan forest road near Bhitariharh pond belonged to the pangolin?
- ii. Whether the accused had contravened the provisions of section 9, 39, 48A, 49B of the WLPA ?
- iii. Result.?



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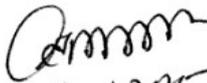


16. **Decision on points for determination and reasons for decision:- points no.15 (i & ii)-** for the sake of argument and for the appreciation of evidence, both questions are being taken up together. The learned counsel for all the accused have adopted a similar line of argument. The gist of the argument is that the alleged confessional statements of the accused are not admissible in evidence because they were not recorded by an authorized person and same cannot be made basis of conviction.

17. The court statements of witnesses are also not admissible for two counts, firstly, these were not recorded in the presence of the accused or their counsels, secondly, the opportunity to cross-examine, which is a fundamental right of the accused, was not given to the accused. The previous statements of the witnesses relied upon by the trial court are not substantial evidence, on the basis of such statements the accused could not have been convicted.

18. Further, the depositions of all the witnesses are full of contradictions, inconsistencies, and discrepancies. The evidence of witnesses have not been read over by learned trial court in its true sense. Independent witnesses have not been examined. The evidence of witnesses shows that they were not present on spot. The place where the pangolins were allegedly caught could not be identified, therefore, the allegations that the accused caught them from their burrows could not be proved.

19. All witnesses are forest personal and are interested witnesses. Therefore, accused could not be convicted on the basis of their evidence in the absence of any corroboration from independent witnesses.


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20. Learned counsel of appearing on behalf of forest department has submitted that confessional statements recorded by forest official are admissible in evidence and conviction can be placed on the basis of these statements. All forest officials are public servant, there is no reason on record that they are intentionally giving false statement against accused person. Act done by a public servant is deemed to be true in view of illustration (e) of 114 IEA { illustration (e) of section 119 of BSA }. Their evidence can be acted upon without corroboration.

21. She has relied upon the decision of Hon'ble Supreme Court in **Motilal Vs. Central Bureau of Investigation and other AIR 2002 SC 1691**, and decisions of Hon'ble High Court rendered in **Smt. Atibai and others. vs. State of MP 2008(2) MPHT 76**, **Absal vs. State of Odisha (BLAPL 224/225, order dated 1.09.2005)**, **Babulal and others vs. The state and others 1982 CRLJ 41**, **Forest Range Officer vs. Aboobacker 1990 F.L.T. 22** and **Sansar vs. State 1994 (1) AD (Delhi) 13**.

22. The DNA test on the skulls sent in a sealed packet was conducted by scientist Dr. Nidhi Rajput pw4. The DNA test reports, which are Ex.p72 and 75, given and proved by her, have confirmed that the skulls belonged to pangolins.

23. Evidence of Dr. Nidhi Rajput pw4 is remained intact in cross-examination. No adverse fact has been brought to her evidence. She is public servant and under section 114 (e) of IEA {Section 119(e) of the Bharatiya Sakshya Adhinyam, 2023} regularity of performance of her act would be



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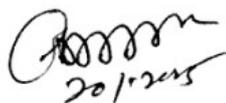
presumed. Her evidence show that recovered skulls belonged to pangolins. So, there is no dispute in this regard.

24. The evidence adduced by the prosecution may be divided into two parts:- firstly, oral evidence and secondly, the confessional statements Ex.p40, Ex.p42, Ex.p43, Ex.p45, Ex.p46 and Ex.p47, Ex.p50, Ex.p51, Ex.p55, Ex.p56, Ex.p57, Ex.p58, Ex.p59 and Ex.p79 of the accused recorded by Indramani Prasad pw3, the range officer.

25. In the first part, prosecution relies on the oral evidence of Shravan Thakur pw1, Pradeep Tiwari pw2, Indramani Prasad pw3, Sudhir Kumar Baxaria pw5, Munnalal Tiwari pw6, M.S.Bhagatia pw7, Dinesh Singh Patel pw8, Kamlesh Singh pw9, Mahipal Singh pw10 and Abhisek Tiwari pw11. These witnesses have presented a vivid picture of the prosecution story in their respective depositions.

26. Their depositions is to the effect that on 20.02.2026, a forest team consisting of Shravan Thakur pw1, Pradeep Tiwari pw2, Sudhir Kumar Baxaria pw5, Dinesh Singh Patel pw8 and Sipahi Singh headed by Indramani Prasad pw3, was on patrol duty in a government vehicle. Abhisek Tiwari pw11 was the driver of the vehicle.

27. During patrolling the team reached Sailarpur forest, where at about 10:00 pm - 11:00 pm Indramani Prasad pw3 received a secret information on his mobile phone that a man carrying a pangolin skulls would be going towards village Amaganwa. He would be passing through the forest path near Bhitargarh pond. The team then went to the place indicated by the informer. The team hid there and started waiting for the person.



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28. On next day at about 06:00 Am, witnesses saw a man was passing by carrying a bag. They stopped him and questioned him. He told his name as Indel Singh. The team searched his bag, which contained a sack (bori), and inside the sack the team found pangolin skulls weighing 03.00 kg to 04.00 kg. He disclosed that these skulls were given to him by the accused Jai Singh. He did not have a license to possess them. He further stated that these were to be handed over to the accused Guman Singh.

29. Shraavan Thakur pw1 seized and sealed the skulls Article A-1 vide memo of seizure and recorded the proceeding in a panchnama Ex.p1 in presence of the accused Indel Singh Pradeep Tiwari pw2, Sudhir Kumar Baxaria pw5, Dinesh Singh Patel pw8, Abhisek Tiwari pw11 and Sipahi Singh. All of them and the accused signed these documents. Shraavan Thakur pw1 also registered a Preliminary Forest Offence Report (P.O.R) number 3048/2016 dated 21.02.2016 Ex.p3.

30. The accused Indal was arrested vide memo of arrest Ex.p31 and his confessional statement Ex.p40 was recorded. The accused took the forest team to the place where he hunted the pangolin which nazri naksha are Ex.p4, p5 and Ex.p7 and panchnama Ex.p8. His information led the arrest of accused Jaisingh, Mantu Singh, Santan Singh, Rajendra Singh son of Guljar Singh, Surendra Singh alias Munda on next day and accused Guman Singh was arrested on 24.02.2016.

31. The second part led by the prosecution is that all said accused were also interrogated and information given by them recorded in their confessional statements. Their memo of arrest are Ex.p34, Ex.p35, Ex.p36,

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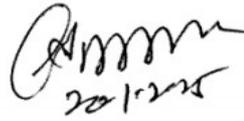
Ex.p37, Ex.p38 and Ex.p77, their confessional statements are Ex.p41, Ex.p42, Ex.p43, Ex.p44 and Ex.p45 and Ex.p46.

32. The accused Indal Singh has also told that he purchased pangolins skulls weighing 01.5 kg in ₹ 6,000/- on which accused Raju Singh was also arrested and interrogated. His memo of arrest Ex.p12 and confessional statement Ex.p44 are on record.

33. The information provided by Rajendra Singh son of Guljar Singh led to the arrest of Rajendra son of Gayadin, Ajeet Singh and Shobran Singh, who were arrested and then interrogated. First two accused were arrested vide memo of arrest Ex.p13 and Ex.p59A. Their confessional statements are Ex.p57 and Ex.p59. The third accused was arrested vide memo of arrest Ex.p2 his confessional statement is Ex.p52.

34. Accused Raju Singh further disclosed name of accused name of Daryab and Malkhan. Thereafter both accused were arrested and interrogated. Their memo of arrest are Ex.p10 (Ex.p15) and Ex.p11 and confessional statements are Ex.p50 and Ex.p79.

35. Based on the information given by the accused Ajeet Singh, name of accused Ram Singh, Pratap Singh and Ramesh Singh alias Bablu (now deceased) came into light. Ram Singh and were also arrested and interrogated. Their memo of arrest Ex.p14 and Ex.p95 and confessional statements Ex.p55 and Ex.p58 are on record. Accused Rajendra Singh son of Guljar Singh disclosed the name of Ajeet Singh who purchased the pangolins skulls.



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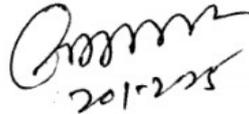
36. On disclosure of the accused Ram Singh and Ajeet Singh, the spot map from where pangolin was caught and hunted and his skulls were removed was made which is Ex.p18.

37. Based on disclosure of the accused Ramsingh led the recovery of four skulls Article A-2, the Sabbal M.O.3, Geti M.O.4 and Favda M.O.5 from the house of the accused Ramsingh, which memo of seizure Ex.p16 and panchnama are Ex.p17. Indramani Mishra pw3 made these the recoveries in the presence of independent panch witnesses Kamlesh pw9 and Mahipal pw10. Both of the witnesses have corroborated the proceedings carried out by Indramani Mishra pw3.

38. The accused Rajendra son of Gayadeen has correctly identified the accused Pratap and Ramsingh in identification parade held by Munnalal Tiwari pw 6, the Executive Magistrate on 01.09.2016. However he could not identified the accused Ajeet but it would not against prosecution since accused Ajeet has admitted his guilt in his confessional statement Ex.p59.

39. In the course of investigation accused Rajendra son of Gyadeen, Daryab, Raju Singh, Indel Singh, Jai Singh, Sanatan Singh, Mantoo Singh, Pratap Singh and Malkhan Singh were arrested. Sub-Divisional Forest Officer (Assistant Conservator of Forests) M.S. Bhagatia pw7 recorded the statements of Shравan Thakur pw1, Pradeep pw 2, Sudheer Kumar pw5, Dinesh Patel pw8 and Abhisek pw11 in the presence of the accused.

40. The statements Ex.19, Ex.20 and Ex.p26 of Shравan Thakur pw1, statement Ex.p39 of Pradeep pw2, statement Ex.p76 of Sudheer Kumar pw5,



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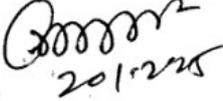
statement Ex.p88 of Dinesh Patel pw8 and the statements Ex.p90, Ex.p91 and Ex.p92 of Abhisek pw11 are on record.

41. Herein it is mentioned the Wild Life (Protection) (M.P.) Rules, 1974 has been framed under the powers conferred under the Wild Life (Protection) Act, 1972. A reading of these rules along with sub-section (8) and (9) of section 50 of WLPA and orders dated 09.08.2016 and 15.10.2019 of Hon'ble High Court passed in MCRC-11638-2014 Ramchandra Malani vs. The State of M.P. and **M.Cr.C.No.20013/2019 Thameem Ansari Vs. State of M.P.** it is clear that in Madhya Pradesh, the Assistant Conservator of Forests (Sub-Divisional Forest Officer) and the Forest Range Officer (FRO) are the authorized officers under sub-section (8) and (9) of section 50 of WLPA. They are authorised to act under sub section (8) of section 50 of WLPA.

42. Therefore, apparently Indramani Mishra pw3 and M.S. Bhagatia pw7, who were circle range officer and Assistant Conservator of Forests (Sub-Divisional Forest Officer), were authorised to act under sub-section (8) and (9) of section 50 of WLPA.

43. The statements of witnesses recorded by M.S. Bhagatia pw7 was Assistant Conservator of Forests (Sub-Divisional Forest Officer), he was authorised person under these sections are admissible in evidence during trial. Hon'ble Supreme Court has also held this in **Moti Lal (supra)**. The statement recorded by this witness proves the case of prosecution.

44. Here it is also noted that on going entire evidence of forest officials, there is nothing in their depositions that they have some personal interest or reason for false implication of accused or to discredit them.

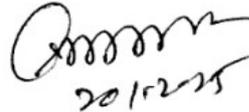

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45. Evidence of a public servant is treated in the same manner as testimony of any other witness and there is no principle of law that without corroboration by independent witnesses their testimony cannot be relied upon. The presumption that a person acts honestly applies as much in favour of a police personnel as of other persons and it is not a proper judicial approach to distrust and suspect them without good grounds.

46. A Constitutional Bench of Hon'ble Supreme Court in case of **Mukesh Singh v. State (NCT of Delhi), (2020)10 SCC 120** has held as follows "as per Illustration (e) to Section 114 of the Evidence Act, if an official act has been proved to have been done, it shall be presumed to be regularly done. Credit has to be given to public officers in the absence of any proof to the contrary of their not acting with honesty or within limits of their authority.---

47. As per decision of a three judge bench of Hon'ble Supreme Court in case of **Arvind Singh v. State of Maharashtra, (2021)11 SCC 1** party is required to put his version to the witness. The party is obliged to put his case in cross-examination of witnesses of opposite party. If no such questions are put the Court would presume that the witness account has been accepted.

48. The records shows that sufficient opportunity for conducting cross examination from the witnesses was given to accused persons. Witnesses were put in lengthy cross examination. Learned trial court does not committed any error for recording the statements of witnesses or depositions



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of the witnesses who could not be appeared in court due to their illness or could not find.

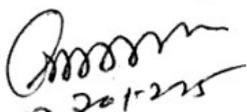
49. There is nothing on record to disbelieve the witnesses. Therefore, on considering the evidence of forest personal in view of above decision, there is no reason to disbelieve them when no specific question was asked to them for their giving or creating false evidence against the accused.

50. Kamlesh Singh pw9 and Mahipal Singh pw10 are independent witness, in absence of any contrary evidence, there is no reason on record as to why their evidence should not be accepted which prove the recovery of skulls from possession of accused Indal Singh and involvement of the other accused.

51. The pangolins skulls Article A-1 and Article A-2 were recovered from the possession of the accused Indel Singh and Ramsingh. They could not rebut the presumption laid down in section 57 of WLPA that the accused has to explain his possession and rebut the presumption creates in favour of the prosecution due to possession of the accused on animal article or trophy.

52. The confessional statements Ex.p40, Ex.p42, Ex.p43, Ex.p45, Ex.p46 and Ex.p47, Ex.p50, Ex.p51, Ex.p55, Ex.p56, Ex.p57, Ex.p58, Ex.p59 and Ex.p79 of the accused persons were recorded by Indramani Misha pw3, who was the Range Officer. These are admissible in evidence and accused can be convicted on the basis of these statements.

53. As per cases of **E.C. Richard vs. Forest Range Officer, AIR 1958 (Mad) 31, Forest Range Officer, Chungathora II Range vs. Aboobacker and another, 1989 Cri.L.J. 2038 (Kerala), Sardarkhan vs. Range Forest Officer, Yavatmal and**


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others, (2006) 1 BomCR(Cri) 820 (DB) and State Of M. P. vs Jaitmang @ Pasang Limi (M. Cr.C. No.21746 of 2015 Decided On : 21-04-2016)2016 3 MPLJ(Cri) 596, and cases Motilal, Smt. Atibai and others and Absal, Babulal cited by the prosecution, the confession made to a forest officer, who conducted the investigation, are admissible as the embargo contained in section 25 of the India Evidence Act, 1872 is not applicable. Statements of the persons made before the Authorised Officer would be treated as admissions or former statements of witnesses, which would suggest an inference as to a fact in issue or relevant fact.

54. Accused have not alleged that they did not give statements voluntarily. There is no evidence that the confessions were not voluntary and was the result of inducement, threat or promise as contemplated by section 24 of the IEA. In view of above decisions these confessional statements are admissible in evidence.

55. The accused have admitted in their confessions that they were members of a syndicate involved in smuggling pangolin skulls. They actively participated in crime. Therefore, these statements can be regarded as true and correct, which can be relied upon and acted upon.

56. Hon'ble Supreme Court in **Sansar Chand v. State of Rajasthan**, (2010) 10 SCC 604 wherein accused was convicted under the WLPA has held that there is no absolute rule that an extra-judicial confession can never be the basis of a conviction, although ordinarily an extra-judicial confession should be corroborated by some other material. Extra-judicial confession may or may not be a weak evidence. Each case is required to be examined on its own fact.



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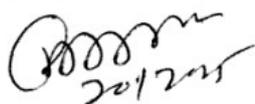


57. As per above decision it is not always possible to get direct evidence against an accused in such cases. Therefore, in view of above decisions it is clear that accused can be convicted on the basis of these statements. Facts of case laws cited by accused are entirely different from present case and therefore, principle laid down in these cases could not be applied in this case.

58. All accused persons in their statements have admitted that pangolins skulls were caught and hunted by accused Indal Singh, Surendra Singh, Santan Singh, Daryab Singh, Malkhan Singh, Ram Singh and Raju Singh. The other accused helped and abated them to sell these skulls.

59. Under section 52 of WLPA attempts to contravene or abetment the contravention is an offence. Under sub-section 2 of section 39 of WLPA wild animals are property of government and if a person obtains the possession in any manner, he has to inform nearest police station or the authorized officer. Under sub-section 3 of this section, previous permission in writing is required from chief wild life warden or the authorized officer to keep or acquire possession, custody or control or wild animal or transfer to wild animal. Neither accused was informed police station or authorized officer about the possession of this skulls.

60. The evidence on record clearly proves that accused Indal Singh, Ram Singh, Santan Singh, Surendra Singh, AJeet Singh, Daryab Singh, Raju Singh, Jai Singh and Pratap Singh had caught and hunted pangolins. They put pangolins in boiling water and removed their skulls. The other accused were involved in trading of skulls of pangolins.



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61. Therefore, each of them is liable to contravene the provision of section 39 which is punishable under section 51(1) of WLPA.

62. Therefore, it is held that prosecution has succeeded to prove that on 21.02.2016 around 06:00 - 08:00 am on the bank of on the Sailarpur to Amangwan forest road near Bhitariharh pond skulls of pangolins were recovered from possession of accused Indal Singh. The other accused were part of large organized wild life crime syndicate. All the accused actively participated for selling pangolins skulls.

63. Under section 52 of WLPA attempts or abetment to contravene of any provision of WLPA is also an offence. Therefore, prosecution has proved that accused violated the provision of section 09, 39, 48A and 48B which is punishable under section 51(1) and section 52 of WLPA.

64. The learned trial court has not committed any error in convicting accused under this section.

65. **Question no.15 (iii):- Result-** The accused either killed the pangolins or sell for getting some money without knowing the adverse impact of their killings on the environment, ecosystem, preservation of forest, quality of human life and society, etc. They are entitled to show the leniency.

66. Accused Indal Singh, Santan Singh, Mantu Singh, Surendra Singh, Rajendra Singh, Guman Singh, Ajeet Singh, Daryab Singh, Raju Singh, Malkhan Singh, Jai Singh, Rajendra Singh, Ram Singh, Pratap Singh and Shobhran Singh are convicted for the for violation of under section 09, 39, 42, 44 and 49B of WLPA, which are punishable under Sections 51 and 52



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of this Act. Their conviction and sentence awarded to them under these sections are affirmed. The appeal filed by the accused are dismissed.

67. Accused Ram Singh is in jail. An endorsement made on his jail warrant that he shall suffered remaining part of his sentence.

68. Santan Singh, Mantu Singh, Surendra Singh, Rajendra Singh, Guman Singh, Ajeet Singh, Daryab Singh, Raju Singh, Malkhan Singh, Jai Singh, Rajendra Singh, Ram Singh, Pratap Singh and Shobhran Singh are present in court. They are taken into custody to suffer remaining sentence. Their jail warrants be made and they were sent to jail. Their bail bonds are quashed and securities are discharged.

69. Property be disposed of as per order of trial court.

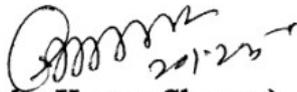
70. Record of trial court sent back with copy of judgment.

71. Record of this court be sent record room.



Place :- Katni

Date :- 20.01.2026


(Jitendra Kumar Sharma)
Sessions Judge, Katni
District Katni (M.P.)

