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Crl.O.P.(MD).No.8713 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD)No.8713 of 2026

and

Crl.M.P(MD) Nos.9265 and 9268 of 2026

1. Arockia Kingsly

2. Santhakumar

... Petitioners/Accused Nos.1 and 2

Vs

The State of Tamil Nadu,
Represented by its
The Forest Range Officer,
Trichy Forest Range,
Trichy.
(WLOR No.11/2024)

... Respondent/
Complainant

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS, 2023, praying this Court to call for the records relating to the proceedings in C.C.No.1224 of 2025 on the file of the Judicial Magistrate VI, Trichy, in so far as the petitioners herein and quash the same as illegal.

For Petitioners : Mr.N.Ananda Kumar

For Respondent : Mr.P.Samuel Gunasingh
Counsel for State of TN (Crl.Side)



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ORDER

The present Criminal Original Petition has been filed by A1 and A2 in C.C.No.1224 of 2025, on the file of the Judicial Magistrate VI, Trichy, seeking to quash the charge sheet, wherein, they are charged with the offences under Sections 2(31-b), 2(36), 39(b), 44, 50 and 51 of Wildlife Protection Act 1972.

2. A perusal of the charge sheet reveals that the petitioners are said to have posted an advertisement in the face book that he is having two teeth of lion. The charge sheet further reveals that the teeth were sent for analysis in the lab and they have been found out that they are not teeth of the lion. But they are the horns of a cattle.

3. According to the learned counsel appearing for the petitioners, the charge sheet itself reveals that the molecular biodiversity lab report points out that the petitioners were not attempting to sell lion teeth. The charges against the petitioners under the above said provisions do not get attracted.



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4. Heard the learned counsel appearing for the petitioners and perused the materials available on record.

5. Section 2 (31-b) of Wildlife Protection Act 1972 is concerned, it defines the trophy. Section 2(31) is extracted as follows:

31. “trophy” means the whole or any part of any captive animal or wild animal, other than vermin, which has been kept or preserved by any means whether artificial or natural, and includes-

(a) rugs, skins and specimens of such animal mounted in whole or in part through a process of taxidermy, and

[(b) antler, bone, carapace, shell, horn, rhinoceros horn, hair, feather, nail, tooth, tusk, musk, eggs, nests and honeycomb;]

6. In the present case, the molecular biodiversity lab report has clearly pointed out that it is made of horn of the cattle. The cattle does not fall within any one of the definitions under Section 2(5) or 2(36) of Wildlife Protection Act, 1972.



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7. In such circumstances, the trophy made out of the horn of the cattle would not fall within the definition of Section 2(31) of Wildlife Protection Act. In such circumstances, the consequential Sections 44, 50 and 51 of Wildlife Protection Act also do not get attracted.

8. In view of the above said facts, the charges as against the petitioners have not been made out and the continuation of criminal proceedings as against the petitioners would clearly be an abuse of process of law. Therefore, charge sheet in C.C.No.1224 of 2025, on the file of the Judicial Magistrate VI, Trichy, is quashed. Accordingly, this Criminal Original Petition is allowed. Consequently connected Miscellaneous Petitions are closed.

01.06.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Forest Range Officer,
Trichy Forest Range,
Trichy.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
3. The Judicial Magistrate Court No.V1,
Trichy.



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R.VIJAYAKUMAR,J.

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