

BAIL SLIP

The Petitioner Viz., Ranganathan was released on bail, vide Order dated 21.07.2010, in CrI.M.P.No.1 of 2010 in CrI.R.C.No.723 of 2010.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2016

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THE HONOURABLE MR. JUSTICE C.T.SELVAM

CrI.R.C.No.723 of 2010

Ranganathan
S/o.Late Jayarama Gounder

... Petitioner

Vs

The State represented by
Forest Range Officer,
Arani Range,
Thiruvannamalai District.
S.T.O.R.No.11 of 1998

.... Respondent

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, against the judgment of learned Additional District and Sessions Judge, Fast Track Court, Thiruppathur, Vellore District, passed in C.A.No.15 of 2009 on 29.06.2010 confirming the judgment of learned Judicial Magistrate, Thiruppathur, Vellore District, passed in C.C.No.386 of 1999 on 18.09.2008.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.Iyyapparaj,
Government Advocate [CrI.side]

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O R D E R

This revision arises against the judgment of learned Additional District and Sessions Judge, Fast Track Court, Thiruppathur, Vellore District, passed in C.A.No.15 of 2009 on 29.06.2010.

2. By the judgment under challenge, the Appellate Court confirmed the finding of conviction passed by learned Judicial

Magistrate, Thiruppathur, Vellore District, where under such Court whilst acquitting the petitioner of offence under Section 21(d)(e)(f) of the Tamil Nadu Forest Act convicted him for offence under Section 36-A & E of such Act and sentenced him to 2 years R.I. and fine of Rs.7,500/- i/d 4 months S.I.

3. A case was registered in S.T.O.R.No.11 of 1998 for offences under sections 21(d)(e)(f) and 36-A & E of the Tamil Nadu Forest Act. Pursuant to investigation, a charge sheet came to be filed informing commission of such offences. The prosecution case is that on 12.08.1998 at about 04.00 a.m., the accused trespassed into a cashew grove and illegally collected sandal wood. He was found in possession of sandal wood of value of Rs.68,850/-.

4. Before the trial Court, the prosecution examined six witnesses and marked eight exhibits. One witness was examined on behalf of the defence and no exhibits were marked.

5. On appreciation of evidence, the trial Court, under judgment in C.C.No.386 of 1999 dated 18.09.2008, entered upon a finding of conviction in so far as offence under Section 36-A & E of the Tamil Nadu Forest Act is concerned and passed sentence as above stated. The same stood confirmed by learned Additional District and Sessions Judge, Fast Track Court, Thiruppathur, Vellore District, under judgment in C.A.No.15 of 2009 dated 29.06.2010.

6. Heard learned counsel for petitioner and learned Government Advocate [Crl.side].

7. Learned counsel for petitioner without much canvassing the merits of the prosecution case would impress upon this Court that this is a case where the petitioner should be afforded the benefit of the provisions of the Probation of Offenders Act. The petitioner is not involved in any other case. Learned counsel for petitioner further submits that the petitioner was in custody for a period of three months.

8. Learned Government Advocate [Crl.side], on instructions, would confirm that the petitioner is not involved in any other case.

9. Taking into consideration the facts and circumstances of the case, this Court is inclined to accept the submission of learned counsel for petitioner. Accordingly, this Court would confirm the findings of conviction of Courts below but invoke Section 4 of the Probation of Offenders Act. Consequently, this Court directs that the petitioner be released on probation of good conduct, on his executing a bond in a sum of Rs.10,000/- (Rupees Ten Thousand only) with one surety in a like sum to the

satisfaction of the trial Court viz., Judicial Magistrate, Thiruppathur, Vellore District, undertaking to appear and receive sentence when called upon to do so, during a period of six months of the date of the bond and in the mean time to keep the peace and be of good behaviour. It is made clear that in keeping with Section 12 of the Probation of Offenders Act, the petitioner shall not suffer disqualification, attaching to this conviction.

This Criminal Revision stands disposed of with the above direction.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Additional District and Sessions Judge,
Fast Track Court,
Thiruppathur,
Vellore District.
2. The Judicial Magistrate,
Thiruppathur,
Vellore District.
3. Through The Chief Judicial Magistrate,
Vellore.
4. The Forest Range Officer,
Arani Range,
Thiruvannamalai District.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.4664

Cr1.R.C.No.723 of 2010

RSK(CO)
CA(16/02/2016)