

BAIL SLIP

The Revision Petitioner Viz., S.Mahalingam, S/o.Sathasiva Udaiyar, was directed to be released on bail as per Order of this Court in Crl.M.P.No.2 of 2010 in Crl.R.C.No.740 of 2010 dated 29.07.2010.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.740 of 2010

S.Mahalingam
S/o.Sathasiva Udaiyar

... Petitioner

Vs

State by
Forest Range Officer,
Chengam Range,
Thiruvannamalai District.

... Respondent

Criminal Revision filed under section 397 r/w 401 of the Code of Criminal Procedure, against the judgment of learned Principal Sessions Judge, Vellore, passed in C.A.No.55 of 2009 on 13.04.2010 modifying the judgment of learned Special Judicial Magistrate, Thirupattur, passed in C.C.No.88 of 1999 on 14.07.2009.

For Petitioner : Mr.B.Lenin Balu

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

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O R D E R

This revision arises against the judgment of learned Principal Sessions Judge, Vellore, passed in C.A.No.55 of 2009 on 13.04.2010 modifying the judgment of learned Special Judicial Magistrate, Thirupattur, passed in C.C.No.88 of 1999 on 14.07.2009.

2. Petitioner and three others faced prosecution for offences u/s.21(d) (e) (f) and 36-A r/w E of Tamil Nadu Forest Act

in C.C.No.88 of 1999 on the file of learned Special Judicial Magistrate, Thirupattur. The prosecution case is that on 18.03.1998, the accused trespassed into the Thamarai Reserve Forest, Poriyankullam, illegally took sandal wood of value of Rs.92,700/-. In the course of regular inspection by forest officials, the accused were apprehended.

3. Before the trial Court, the prosecution examined six witnesses and marked seven exhibits. None were examined on behalf of the defence nor were any exhibits marked.

4. On appreciation of materials before it, the trial Court, under judgment dated 14.07.2009, while acquitting the accused 2 to 4 of all charges and this petitioner of offence u/s.21(d) (e) (f) of Tamil Nadu Forest Act, convicted the petitioner for offence u/s.36-A r/w E of the Tamil Nadu Forest Act and sentenced him to 2 years R.I. and fine of Rs.7,500/- i/d 2 months S.I. There against, petitioner/A1 preferred C.A.No.55 of 2009 on the file of learned Principal Sessions Judge, Vellore, Vellore District. Appellate Court, under judgment dated 13.04.2010, while confirming the finding of conviction, modified the sentence to one of 1 year R.I. and fine of Rs.3,000/- i/d 3 months S.I. Aggrieved thereby, the petitioner has filed the present revision.

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

6. Despite observing that the prosecution has failed to establish that the place of occurrence was a forest or that sandal wood which was in possession of the accused was the product of such forest and that the accused had caused damage, the trial Court entered upon a finding of conviction. This Court is of the view that where the very foundation of the prosecution case falls to the ground, the accused would be entitled to acquittal.

This Criminal Revision shall stand allowed. The judgements of Courts below shall stand set aside. Petitioner shall stand acquitted of all charges. Bail bond(s), if any executed by petitioner, shall stand cancelled. Fine amount, if any, paid shall be refunded.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gm

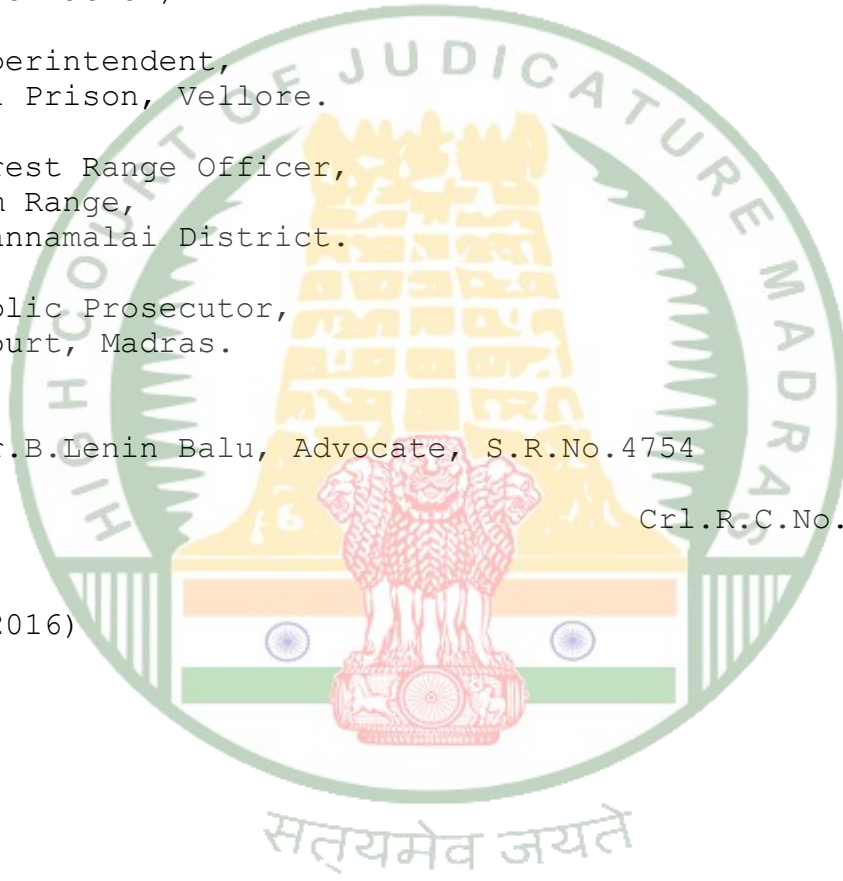
To

1. The Principal Sessions Judge,
Vellore.
2. The Special Judicial Magistrate,
Thirupattur.
3. Through The Cheif Judicial Magistrate,
Vellore.
(For Information)
4. The Superintendent,
Central Prison, Vellore.
5. The Forest Range Officer,
Chengam Range,
Thiruvannamalai District.
6. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.B.Lenin Balu, Advocate, S.R.No.4754

Cr1.R.C.No.740 of 2010

PPA (CO)
CA(16/03/2016)



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