

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2017

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C.No.783 of 2010

Sekar

... Petitioner

Vs.

State represented by its
Forest Ranger,
Rasipuram Circle,
Salem District,
(STOR No.192/1996)

.... Respondent

Prayer:- Criminal Revision Petition has been filed under Section 397 & 401 Cr.P.C., to set aside the order of conviction and sentence dated 18.05.2010 in C.A.No.27 of 2010 on the file of the learned Additional District and Sessions Judge, Salem confirming the order of conviction and sentence dated 07.01.2010 in C.C.No.12 of 2003 on the file of the learned Judicial Magistrate No.VI, Salem and acquit the petitioner.

For Petitioner : Mr.R.Karthikeyan

For Respondents : Mrs.M.F.Shabana
Government Advocate
(Criminal Side)

ORDER

The third accused in C.C.No.12 of 2003 on the file of the learned Judicial Magistrate No.VI, Salem, is the petitioner herein. Totally, there are three accused and all of them were charged for the offence under Section 21(e)(d)(f) of the Tamil Nadu Forest Act (for short 'the Act'). The trial Court convicted all the three accused under Section 21(d) and (f) of the Act, and sentenced them to undergo one year simple imprisonment each, and also to pay a fine of Rs.300/- each, and in default, to undergo three months simple imprisonment. Challenging the above conviction and sentence, the third accused alone filed an appeal in C.A.No. 27 of 2010, on the file of the learned Additional District and Sessions Judge, Salem. The lower appellate Court dismissed the said appeal, and confirmed the conviction and

sentence imposed by the trial Court. Challenging the above said conviction and sentence, the present revision petition is filed.

2. The Case of the prosecution in brief is as follows:-
The P.W.1, a Forest Ranger attached to Namakiripettai Division, visited the Pillanadu reserved forest, on 01.11.1996, at 6 p.m. at the time, all the three accused had unlawfully entered into the Pillanadu reserved forest in Tata mini lorry bearing registration No.TN 23 A 7100, and unlawfully loaded sandalwood pellets weighing about 344 kilo grams worth about Rs.60,200/-. After receiving information, P.W.1- Forest Ranger, along with other officials formed a road blockade and intercepted the vehicle. On inspection, they found sandalwood pellets in the vehicle weighing about 344 kilo grams worth Rs.60,200/-, and all the accused who were travelling in the said vehicle, and they were arrested, and on their arrest they have voluntarily given confession statements. Then prepared the Observation Mahazar. Thereafter, a criminal case was registered in Crime No.192 of 1996, for the above said offence. Based on the above materials, the charges have been framed against the accused. To prove the case of the prosecution, seven witnesses have been examined and 13 documents were marked and no oral or documentary evidence was adduced on the side of the accused.

3. The Forest Ranger examined himself as P.W.1 and in his evidence, he has stated that at the time of occurrence, they saw a mini lorry coming from the reserved forest and on suspicion they stopped the mini lorry and on inspection, they found sandalwood pellets weighing about 344 kilo grams and the three accused were arrested. Thereafter, they have given a confession statements and they prepared an Observation Mahazar, thereafter, registered the aforesaid criminal case.

4. P.W.2 is another Forest Guard and he has also reiterated the evidence of P.W.1. P.W.3 is also another Forest Ranger, who prepared the Observation Mahazar and also the Rough Sketch. P.W.4 is the forest official, who has recovered the Material Objects and prepared the Mahazar P.W.5 to 6, are Forest Ranger according to them the accused came in a mini lorry from the reserved forest and the mini Lorry transporting 344 kilo grams of sandalwood pellets. P.W.7 is the Forester, who is also in the team of Forest Official seized the sandalwood pellets.

5. After considering the evidence on record both oral and documentary, the trial Court has convicted all the three accused as mentioned above. Challenging the above conviction and sentence the petitioner/A3 alone filed an appeal and the lower appellate Court has also confirmed the conviction and sentence of the trial Court. Challenging the above said conviction and sentence the petitioner/A3 has filed this revision petition.

6. I have heard Mr.R.Karthikeyan, learned counsel for the petitioner and Mrs.M.F.Shabana, learned Government Advocate appearing for the respondent and also considered the entire materials available on records.

7. P.Ws.1 to P.W.7 are the forest officials, while they were on inspection in the Pilenadu Reserved Forest. On 01.11.1996 at 6.00 p.m. all the three accused came in the mini lorry. When the vehicle was intercepted, they found sandalwood pellets weighing about 344 kilo grams and the accused were arrested on the spot and the properties were recovered from them. From their evidence, it was disclosed that all the accused were found in possession of sandalwood pellets and there is no discrepancies or contradiction in their evidence, and all the formalities were done in accordance with law.

8. Considering all the oral and documentary evidence, both the Courts below found the accused guilty and convicted them and I find no illegality or perversity in the order passed by the Courts below, hence conviction and sentence of the petitioner is confirmed.

9. Since the offence is committed in the year 1996 and the petitioner has no bad antecedent, and he is a poorman, considering the above circumstances the petitioner is released under Section 4 of the Probation of Offenders Act and he shall execute a bond for a sum of Rs.500/- (Rupees five hundred only) with one surety for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Salem and serve sentence when called upon during the period of one year and in the meanwhile, to keep peace and true behavior.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Additional District and Sessions Judge, Salem
2. The Judicial Magistrate No.VI, Salem

3. Forest Ranger,
Rasipuram Circle,
Salem District,

4. The Public Prosecutor, High Court, Madras

+1 CC to M/s. R.Karthikeyan, Advocate sr 1230

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MV (CO)
sp/7/4



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