

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.R.C.No.670 of 2013

The Forest Range Officer,
Sirumugai,
Coimbatore District.

Petitioner/Complainant

Vs.

Devaraj,
S/o.Rengasamy,
No.6, Chittypalayam,
Mettupalayam Taluk,
Coimbatore District.

Respondent/Accused

Criminal Revision filed under Section 397 r/w 401 Cr.P.C.,
to set aside the order dated 25.04.2013 passed in C.M.P.No.2018
of 2013 in W.L.O.R.No.1 of 2013 on the file of the Judicial
Magistrate Court, Mettupalayam.

For Petitioner : Ms.Thangavadhana Balakrishnan
Special Government Pleader
(Forests)

For Respondent : Mr.S.N.Arun Kumar
for Mr.C.Ram Kumar

ORDER

This criminal revision has been filed seeking to set aside
the order dated 25.04.2013 passed in C.M.P.No.2018 of 2013 in
W.L.O.R.No.1 of 2013 on the file of the Judicial Magistrate
Court, Mettupalayam.

2. The facts of the case in a nutshell are as under:

2.1 On 05.02.2013, the Forest Officials intercepted nine persons, who were coming out of the North-Eastern Slope reserved forest in seven motorcycles and found them to be in possession of the meat and skin of spotted deer. The contraband and the vehicles were seized under the cover of a Mahazar.

2.2 A case in W.L.O.R.No.1 of 2013 was registered under the Wild Life Protection Act, 1972. The officials recorded the statements of the nine persons and thereafter, arrested them. The seized motorcycles were produced before the Judicial Magistrate, Mettupalayam.

2.3 Devraj, the respondent herein and his son Chinnapandi, filed petitions in Crl.M.P.Nos.2018 and 2490 of 2013, respectively, before the Judicial Magistrate, Mettupalayam, under Section 451 Cr.P.C., for interim custody of their two motorcycles. The learned Magistrate has allowed both the petitions on 25.04.2013, challenging which, the State has filed two criminal revisions viz., Crl.R.C.Nos.670 and 671 of 2013, before this Court.

2.4 Crl.R.C.No.671 of 2013 was allowed by a learned Single Judge of this Court (B.RAJENDRAN, J.), on 06.07.2015 by setting aside the order dated 25.04.2013 passed by the Judicial Magistrate, Mettupalayam, in Crl.M.P.No.2490 of 2013 in W.L.O.R.No.1 of 2013.

3. Heard Ms.Thangavadhana Balakrishnan, learned Special Government Pleader (Forests) for the petitioner/State and Mr.S.N.Arun Kumar, learned counsel representing Mr.C.Ram Kumar, learned counsel on record for the respondent.

4. In a case of this nature, where, there are prima facie materials to show that the accused had hunted a spotted deer in a reserved forest, the vehicles allegedly used by them ought not to have been directed to be returned by the trial Court. It is also seen that the accused had used un-licensed country firearm for hunting the spotted deer.

5. It is reported that during the pendency of Crl.R.C.Nos.670 and 671 of 2013, Chinnapandi and his father Devraj have taken possession of their two wheelers. They are directed to hand over the possession of the said two wheelers to the Judicial Magistrate, Mettupalayam, within one week from the

date of receipt of a copy of this order, failing which, the local police and the Forest Department Officials are directed to seize the said two wheelers and produce the same before the Judicial Magistrate, Mettupalayam. The learned Magistrate shall proceed with the trial of the case uninfluenced by what has been stated above and it is open to him to pass appropriate orders under Section 452 Cr.P.C. at the end of the trial.

In the result, this criminal revision deserves to be allowed and it is ordered accordingly. The order dated 25.04.2013 passed in C.M.P.No.2018 of 2013 in W.L.O.R.No.1 of 2013 on the file of the Judicial Magistrate Court, Mettupalayam, is hereby set aside.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The Judicial Magistrate,
Mettupalayam.
2. The Forest Range Officer,
Sirumugai,
Coimbatore District.
3. The Section Officer,
Criminal Section Records,
High Court, Madras

+1cc to Special Government Pleader(Forest) sr.82603

Cr1.R.C.No.670 of 2013

br(co)
nr 05/11/2019

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