



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL OP (MD) . No.19283 of 2015

and

M.P. (MD)No.1 of 2015

1.M.Ponnambalam
2.Buveneswari
3.P.Balasubramani
4.P.Balajawahar
5.P.Ravichandran

... Petitioners

-Vs-

Forest Ranger,
Range/Taluk-Chainnamanur Forest Office,
Chainnamanur,
Theni District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records in C.C.No.96 of 2009, on the file of the learned Judicial Magistrate at Andipatti and quash the same.

For Petitioners: Mr.S.K.Mani

For Respondent : Mr.A.Robinson
Government Advocate (Crl. Side)

O R D E R

The petitioners are figuring as accused in C.C.No.96 of 2009, on the file of the learned Judicial Magistrate, Andipatti. The respondent is the complainant. The offences arise under Sections 4 (2) and 3(1-A) of Tamilnadu Hill Areas (Preservation of Trees) Act, 1955. This is the second round of litigation. The occurrence is said to have taken place on 27.09.1995. When C.C.No.51 of 1996 was filed on the file of the learned Judicial Magistrate, Andipatti, the petitioners herein filed Crl.O.P.(MD)No.9207 of 2006 for quashing the same. A learned Judge of this Court, by order dated 08.06.2007 allowed the said criminal original petition and quashed the proceeding on the ground that the complainant did not have authority to lodge the said complaint. However, liberty was given to the committee concerned to file an appropriate complaint as required under the Act if so advised, subject to the provision regarding



limitation, etc. Availing the liberty given by the learned Judge, the impugned complaint to be filed.

2.The complaint was filed on 12.03.2009. The learned Trial Magistrate took cognizance of the offences. He also took the case on file. To quash the same, this criminal original petition was filed.

3.Heard the learned counsel on either side.

4.As rightly pointed by the learned counsel appearing for the petitioners, the offences which the petitioners are said to have committed would attract maximum of one year imprisonment. As per Section 468 of Cr.P.C., in a case involving such a term of imprisonment, the complaint will have to be filed within one year from date when the cause of action arose. As already pointed out the cause of action arose way back in the year 1995. The earlier complaint was quashed on 08.06.2007. The impugned complaint was filed only on 12.03.2009. Thus, it is obviously beyond a period of one year. The impugned complaint is squarely hit by the time bar laid down in Section 468 of Cr.P.C. Cognizance of the offences could not have been taken by the learned Magistrate. On this ground the impugned proceeding stands quashed and the criminal original petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To:

1.The Judicial Magistrate,
Andipatti.

2.Forest Ranger,
Range/Taluk-Chainnamanur Forest Office,
Chainnamanur,
Theni District.

+1 CC to M/s.S.K.MANI, Advocate (SR-103848[F] dated 06/12/2019)

Cr1.O.P. (MD)No.19283 of 2015

04.12.2019

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