



Bail Slip

The Revision Petition/Accused viz., Pitchaimani, S/o.Lakshmanan was released on bail as per the order of this Court passed in MP (MD)No.2/2011 in CrI.R.C(MD)No.491/2011 dated 01.08.2011 on the file of this Court.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C(MD)No.491 of 2011

Pitchaimani

... Petitioner

Vs

State represented through,
The Forest Ranger,
Papanasam,
O.R.No.1 of 2002

... Respondent

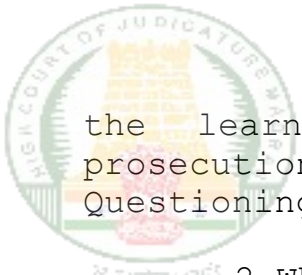
PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in CrI.A.No.124 of 2006 on the file of the learned Fast Track Court, Tirunelveli and hear the revision petitioner and set aside the conviction and sentence passed by the Judgment dated 29.04.2010 in CrI.A.No.124 of 2006 on the file of the Fast Track Court, Tirunelveli confirming the conviction and sentence passed by the Judgment dated 05.05.2006 in C.C.No.253 of 2003 on the file of learned Judicial Magistrate, Ambasamuthiram.

For Petitioner : Mrs.M.D.Deva Saravana Priya
(Legal Aid Counsel)

For Respondent : Mr.A.Robinson
Government Advocate (CrI.side)

ORDER

The petitioner was convicted and sentenced in C.C.No.253 of 2003 on the file of the learned Judicial Magistrate, Ambasamuthiram, for the offence under Sections 26(d) r/w 28(a), 26 (e) r/w 28(a) of Tamil Nadu Forest Act and Wild Life Protection Act under Section 27, 29, 31 r/w 51. Aggrieved by the Judgment dated 05.05.2006 passed by the learned Judicial Magistrate, Ambasamudram, the petitioner filed Criminal Appeal No.124 of 2006 before the learned Sessions Judge, Fast Track Court No.I, Tirunelveli. When the appeal was taken up on 29.04.2010, there was no representation on the side of the petitioner. Therefore,



the learned Appellate Judge dismissed the appeal for non prosecution and confirmed the Judgment of the trial Magistrate. Questioning the same, this criminal revision case has been filed.

2. When the matter was taken up for hearing, there was no representation on the side of the revision petitioner. This Court, therefore, directed the Registry to appoint a Legal Aid Counsel. When the matter was taken up for hearing, the learned Legal Aid counsel appearing for the revision petitioner pointed out that the Appellate Court could not have dismissed the appeal for non prosecution. It was obliged to have appointed a Legal Aid Counsel or atleast disposed of the matter on merits, after perusing the entire evidence on record. Not doing so was clearly improper. I am fully persuaded by the submissions of the learned Legal Aid Counsel appearing for the revision petitioner. Therefore, the impugned Judgment passed by the Appellate Court is set aside and the matter is remitted to the file of the Appellate Court for fresh consideration in accordance with law. The Appellate Court is directed to intimate the convicted accused about the listing of the matter, so that, he can make arrangements for espousing his case. In any event, the Appellate Court ought to give only disposal on merits and not dismiss the appeal for non prosecution.

3. With this observations, this criminal revision case is allowed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Fast Track Court No.I, Tirunelveli.

2. The Judicial Magistrate, Ambasamuthiram.

3. -Do-Thro the Chief Judicial Magistrate,
Tirunelveli

4. The Forest Ranger,
Papanasam.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



copy to

The Section Officer,
Criminal Section(Records)
Madurai Bench of Madras High Court,
Madurai-2 COPIES

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+1 CC to M/s.M.D.DEVI SARAVANA PRIYA, Advocate (SR-72678[F] dated
02/07/2019)

RMI

Crl.R.C (MD) No.491 of 2011
02.07.2019

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