

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:24.09.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.M.P.No.5125 of 2020

in Crl.R.C.No.715 of 2020

Pongiyannan

.. Petitioner /Petitioner / Accused

Vs.

The State, Rep by
Forest Range Officer
Sathyamangalam Range
Erode.

W.L.O.R.No.05/2012

.. Respondent / Respondent /
Complainant

Criminal Miscellaneous Petition filed under Section 371(1) r/w.439 of Cr.P.c., praying to suspend the sentence of imprisonment imposed on the petitioner vide judgment dated 16.07.2020 in C.A.No,34 of 2019 on the file of the III Additional District and Sessions Judge, Gobichettipalayam, confirming the conviction imposed vide judgment dated 19.10.2019 made in C.C.No.13 of 2017 on the file of the Judicial Magistrate No.I, Gobichettipalayam and enlarge the petitioner on bail, pending disposal of the above revision petition.

For Petitioner : Mr.J.Ranjithkumar

For Respondent : Mrs.P.Kritika Kamal
Govt. Advocate (Crl. Side)

ORDER

This case is taken up through video conferencing.

2. This petition has been filed seeking to to suspend the sentence of imprisonment imposed on the petitioner vide judgment dated 16.07.2020 in C.A.No,34 of 2019 on the file of the III Additional District and Sessions Judge, Gobichettipalayam, confirming the conviction imposed vide judgment dated 19.10.2019 made in C.C.No.13 of 2017 on the file of the Judicial Magistrate No.I, Gobichettipalayam and to enlarge the petitioner on bail, pending disposal of the above revision petition.

3. The case of the prosecution is that the petitioner owned an extent of 3.96 acres of agricultural land in Sathyamangalam Forest Range and that he had fenced his lands using electricity, without obtaining permission from the electricity board. On 18.05.2012, a wild elephant crossed the fencing and got electrocuted and died. On receiving information, the forest officials arrived at the place of occurrence and on seeing the elephant found dead, arrested the petitioner and a case in W.L.O.R. No.05/2012 on the file of the respondent came to be registered against the accused.

4. The petitioner, who was an accused in C.C.No.13 of 2017 before the Judicial Magistrate No.I, Gobichettipalayam, was convicted of the offences under Sections 9, 39(1) r/w 51 of Wild Life Protection Act, 1972 and sentenced as under:

S.No.	Provision under which convicted	Sentence
1	Section 9 of Wild Life Act, 1972	One year rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, one month simple imprisonment.
2	Section 39 (1) r/w. 51 of Wild Life Act, 1972	One year rigorous imprisonment and to pay a fine of Rs.5,000/-, in default, one month simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

5. The appeal in CrI.A.No.34/2019 that was filed by the petitioner was dismissed by the III Additional District and Sessions Judge, Erode on 16.07.2020.

6. Challenging the concurrent findings of fact arrived at by the Courts below, the petitioner has filed the present revision petition along with the instant criminal miscellaneous petitions seeking suspension of sentence and bail.

7. Heard Mr.J.Ranjith Kumar, learned counsel for the petitioner and Mrs.P.Kritika Kamal, learned Government Advocate (CrI.Side) appearing for the respondent/State.

8. The learned counsel for the petitioner submitted that the petitioner has surrendered before the trial Court on 18.09.2020.

9. The petitioner has raised substantial grounds in the revision petition which require detailed appraisal. Further, the revision petition is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioner is entitled to the reliefs of suspension of sentence and bail.

10. Accordingly, the reliefs of suspension of sentence and bail are granted to the petitioner on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the Judicial Magistrate No.I, Gobichettipalayam.
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Judicial Magistrate No.I, Gobichettipalayam may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the revision and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

-sd/-

24/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, GOBICHETTIPALAYAM.

2 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE, ERODE.

3 THE SUPERINTENDENT,
CENTRAL PRISON, ERODE.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
ERODE.

5 THE FOREST RANGE OFFICER,
SATHYAMANGALAM RANGE,
ERODE.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

C.C. to M/S.J.RANJITHKUMAR Advocate on payment of necessary
charges

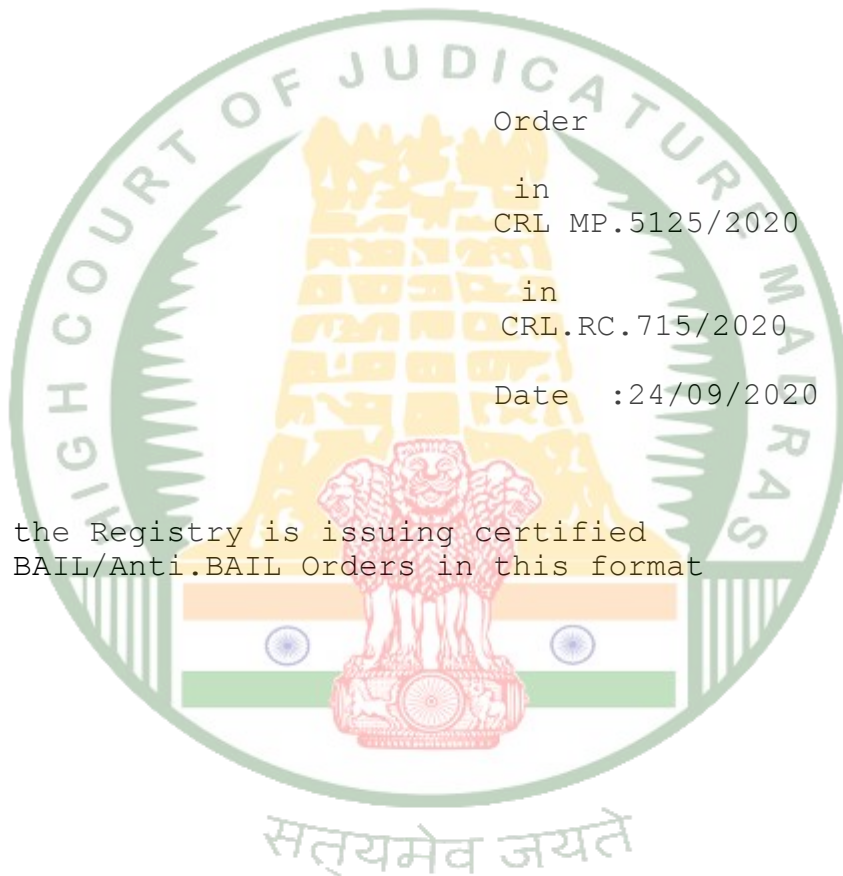
Order

in
CRL MP.5125/2020

in
CRL.RC.715/2020

Date :24/09/2020

From 7.2.2001 the Registry is issuing certified
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cs 25/09/2020



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