

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.12.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19415 of 2020

Arivumani

... Petitioner

Vs.

State Rep. by
the Inspector of Police
Attur Forest Range
Attur, Salem District
(Crime No.STOR 1/ 2016)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in STOR No.1/2016 on the file of the Respondent.

For Petitioner : Mr.S.T.Bharath Gowtham

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(This Case has been heard through video conferencing)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 21(d)(e)(f), 36 A & E of Tamil Nadu Forests Act, 1882 and Tamil Nadu Sandalwood Possession Rules, 1970, in STOR 1 of 2016, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 29.01.2016 at about 6.30 p.m., the petitioner along with other accused was found to be illegally taking 15 Kgs of sandalwood worth Rs.30,000/- from the reserved forest and on seeing the respondent police, the accused have ran away from the scene of occurrence.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was not aware of the case which has been registered against him. He would further submit that the respondent has completed the investigation and filed a final report, which has been taken on file in C.C.No.35 of 2017, on

the file of the Learned Judicial Magistrate No.II, Attur, Salem and

he understands that summons being issued to the petitioner and due to his non-appearance, the learned Magistrate has issued an NBW of arrest against him.

4.The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner along with other two accused have been found in possession of 15 kgs. of sandalwood, which was taken illegally from the reserved forest area and on seeing the respondent, the petitioner had escaped from the scene of occurrence. He would further submit that investigation has been completed and that a final report has been filed and since the petitioner did not appear before the Court, the learned Magistrate has issued NBW of arrest against him on 18.11.2019, He would further submit that the only option available to the petitioner is that he has to surrender before the concerned court and to file a petition to recall the warrant issued against him by the learned Magistrate.

5.Taking into consideration of the fact submitted by the learned Additional Public Prosecutor and also on the submission of the learned counsel that summons was not served on the petitioner, the petitioner is hereby directed to surrender before the concerned court and file a petition to recall the warrant. The learned Magistrate, on receiving the said recall petition, shall look into the merits of the case and pass appropriate orders on the same day.

6.With the above directions, this Criminal Original Petition stands closed.

-sd/-
21/12/2020

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

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, ATTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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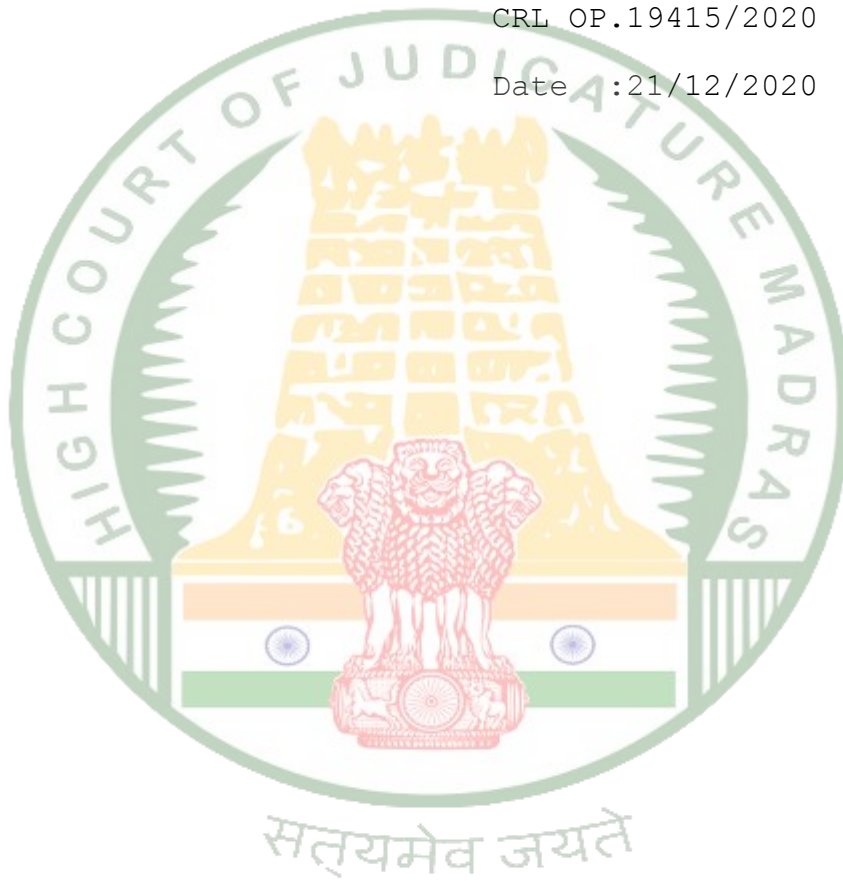
4 THE INSPECTOR OF POLICE,
ATTUR FOREST RANGE,
ATTUR,
SALEM DISTRICT.

CC to M/S.S.T.BHARATH GOWTHAM Advocate on payment of necessary
charges

CRL OP.19415/2020

Date :21/12/2020

cs 06/01/2021



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