



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Fifteenth day of July Two Thousand Twenty

PRESENT

The Hon'ble Mrs.Justice R.THARANI

CRL MP(MD) Nos.3541 and 3542 of 2020 IN
CRL RC(MD) No.403 of 2020

FAIROZ KHAN

... PETITIONER/APPELLANT/ACCUSED
IN BOTH PETITIONS

Vs

THE STATE REP. BY
KEELKARAI FOREST RANGE OFFICER,
KEELAKARAI FOREST RANGE AND
WILD LIFE PROTECTION OFFICE,
RAMANATHAPURAM DISTRICT.
CR.NO. 12 OF 2016.

... 1st RESPONDENT/1st RESPONDENT/
COMPLAINANT
IN BOTH PETITIONS

Prayer in CRL MP(MD)No.3541/2020 :

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to SUSPEND THE SENTENCE imposed against him in CA.No. 28 of 2019 dt.12.03.2020 on the file of the Principal District and Sessions Court, Ramanathapuram confirming the judgment in CC.No. 67 of 2017 dt.06.11.2019 on the file of the Principal District and Sessions Court, Ramanathapuram and enlarge me on bail pending disposal of Criminal Revision Petition.

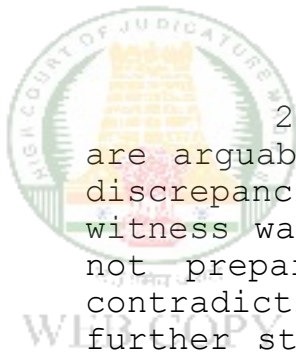
Prayer in CRL MP(MD)No.3542/2020 :

To grant EXEMPTION to him from surrendering in CC.No. 67 of 2017 dt.6.11.2019 on the file of the Judicial Magistrate No.I, Ramanathapuram and the same was confined in CA.No.28 of 2019 dt.12.3.2020 on the file of the Principal District and Sessions Court.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of Mr.M.SUBASH BABU, Advocate for the petitioner in both petitions and of Mr.K.DINESH BABU, Additional Public Prosecutor on behalf of the Respondent in both petitions, the court made the following order:-

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



2. On the side of the petitioner, it is stated that there are arguable points involved in the revision and there are so many discrepancies in the case of the prosecution. No independent witness was examined by the Forest Department. Seizure Mahazar was not prepared in the place of occurrence. There are so many contradictions between the evidence of P.W.1 to P.W.4.. It is further stated that the petitioner was in judicial custody for two months, at the time of trial Court judgment and at the time of judgment by the First Appellate Court, unfortunately, the petitioner was not able to attend the Court and prayed that the sentence to be suspended.

3. On the side of the petitioner, it is stated that the petitioner is a Diabetic patient and additional typed set was filed to prove the health condition of the petitioner and prayed that the petitioner to be exempted from appearing before the Court.

4. On the side of the prosecution, it is stated that the conditional order passed by the trial Court was confirmed by the First Appellate Court and there is no reason to suspend the sentence and to exempt the petitioner from his personal appearance.

5. A perusal of the record reveals that the petitioner is a diabetic patient. In the petition, only Diabetic was mentioned, but, now the petitioner filed an additional typed set, in which a Doctor certificate has been enclosed as if the petitioner is a heart patient. Even in the petition, it is stated that the petitioner is taking treatment only as an out-patient. A perusal of the additional typed set reveals that once the petitioner approached a Doctor complaining chest pain. There is nothing to show that the petitioner is having heart ailment or he is in need of treatment as an in-patient. As such, it is decided that there is no necessity to exempt the petitioner's personal appearance.

6. The petitioner was in judicial custody for two months at the time of trial Court judgment. An opportunity has to be given to the petitioner to put forth his case. This Court is inclined to grant suspension of sentence till the disposal of the revision, on the petitioner surrendering before the Judicial Magistrate No.I, Ramanathapuram on the following conditions:

(i) the petitioner should execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties each for a like sum, of whom, one should be a blood relative to the satisfaction of the learned Judicial Magistrate No.I, Ramanathapuram;

(ii) the sureties shall affix their photographs and Left Thumb Impression along with their signature in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Voter I.D to ensure



(iii) the petitioner shall appear before the Judicial Magistrate No.I, Ramanathapuram, daily at 10.30 a.m until further orders.

(iv) the petitioner is not exempted from surrendering before the trial Court and the petitioner is directed to surrender before the Judicial Magistrate No.1, Ramanathapuram within a period of 3 weeks from the date of receipt of copy of this order.

sd/-
15/07/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.
 2. THE JUDICIAL MAGISTRATE No.I, RAMANATHAPURAM.
 3. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 4. KEELKARAI FOREST RANGE OFFICER,
KEELAKARAI FOREST RANGE AND WILD LIFE PROTECTION OFFICE,
RAMANATHAPURAM DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M.SUBASH BABU, Advocate (SR-5789[I] dated 17/07/2020)

ORDER IN
CRL MP(MD) Nos.3541 & 3542/2020 IN
CRL RC(MD) No.403 of 2020
Date :15/07/2020

LS

TE/JC/SAR-III : 17/07/2020 : 3P/7C`

<https://hcservices.ecourts.gov.in/hcservices/>