

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.05.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

Crl.M.P.No.5512 of 2021
and
Crl.R.C.No.252 of 2021

K.Srinivasan

...Petitioner

-Vs-

The State,
Represented by Forest Range Officer,
Gudiyatham.
(O.R.No.1/2009)

...Respondent

Criminal Miscellaneous Petition is filed under Section 397(1) of Cr.P.C. to suspend the sentence of simple imprisonment for 2 years with fine of Rs.7500 for each offence (total fine Rs.22,500), in default to undergo one month for each offence, for the offences under Section 21(d), (e) and (f) of the Tamil Nadu Forest Act, imposed by the judgment and order dated 15.02.2021 passed by the Principal Sessions Judge, Vellore in Criminal Appeal No.15 of 2017 confirming the judgment and order dated 24.01.2017 on the file of the Judicial Magistrate, Gudiyatham in C.C.No.156 of 2010 and direct that the petitioner be enlarged on bail.

For Petitioner : Mr.Govind Chandrasekhar

For Respondent : Mrs.V.Sharadha Devi
Government Advocate (Crl.Side)

ORDER

The petitioner figured as accused in C.A.No.15 of 2017 on the file of the learned Principal Sessions Judge, Vellore District has been found guilty of the offences under Sections 21(d), (e) and (f) of the Tamil Nadu Forest Act. By the impugned judgment dated 15.02.2021, the first appellate Court convicted the petitioner for the offence u/s.248(2) of Cr.P.C. and sentenced to undergo two years Simple Imprisonment with fine of Rs.7,500/-, in default to undergo Simple Imprisonment for one month for each offence. Challenging the judgment passed in C.A.No.15 of 2017 dated 15.02.2021 on the file of the learned Principal Sessions Judge, Vellore District, the

petitioner has filed the above miscellaneous petition seeking suspension of substantive sentence of imprisonment.

2. The learned counsel for the petitioner submitted that the petitioner has already spent about 2 months in custody and he is aged about 70 years.

3. The learned Government Advocate appearing for the respondent submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for convicting and sentencing the petitioner.

4. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner, there are arguable points which requires consideration in the revision and the revision cannot be taken up for hearing in the near future. Therefore, this Court is inclined to suspend the sentence imposed by the Court below.

5. The sentence imposed by the Court below vide Judgment made in C.A.No.15 of 2017 dated 15.02.2021 on the file of learned Principal Sessions Judge, Vellore District, is hereby suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Gudiyatham and the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 A.M. until further orders.

6. Accordingly, this petition is ordered.

-sd/-
06/05/2021

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 PRINCIPAL SESSIONS JUDGE,
VELLORE DISTRICT.

2 THE JUDICIAL MAGISTRATE,
GUDIYATHAM.

3 THE CHIEF JUDICIAL MAGISTRATE
VELLORE DISTRICT. (FOR INFORMATION)

4 THE FOREST RANGE OFFICER,
GUDIYATHAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT OF MADRAS.

+1 C.C. to M/S.GOVIND CHANDRASEKHAR Advocate on payment of
necessary charges SR.No. 6031

Order

in

CRL MP.5512/2021

and

CrI.R.C.No.252 of 2021

Date :06/05/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

rg.13.05.2021



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