



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Third day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.13542 of 2021

in

CRL.R.C.NO.1035 of 2021

1 SOUNDARARAJAN
2 LAKSHMANAN

[PETITIONERS/APPELLANTS]

Vs

THE STATE REP BY
THE FOREST RANGE OFFICER,
KOTAGIRI FOREST RANGE, KOTAGIRI, THE
NILGIRIS.
(O.R.NO.1/2006)

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to Suspend the Sentence of 3 years of Rigorous Imprisonment imposed on the 1st petitioner for offence under section 39(3) read with section 51 of Wildlife (protection) Act, 1974 and 3 years Rigorous Imprisonment imposed on the 2nd Petitioner for offence under section 9 read with section 52 read with Section 51 of wild life (Protection) Act 1974 by the Learned Judicial Magistrate Judge, Kotagiri, The Nilgiris by Judgment dated 18.10.2016 in C.C.No.62 of 2008 confirmed by the Learned Sessions judge, Magalir Neethimandram (Fast Track Mahila Court) Udthagamandalam at Nilgiris in Crl.A.No.20 of 2016 and enlarge on bail pending disposal of the above CRL.R.C.NO.1035 of 2021.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.L.MOULI , Advocate for the petitioner and of M/S.S.SUGENDRAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous Petition has been filed by the Petitioners/A1 and A17, seeking suspension of sentence of



imprisonment, imposed by the judgment dated 18.10.2016 made in C.C.No.62 of 2008 by the learned Judicial Magistrate, Kothagiri and confirmed by the judgment dated 26.04.2021 in C.A.No.20 of 2016 by the learned Sessions Judge, Magalir Needhimandram (Fast Track Mahila Court) Udthagamandalam and to enlarge the Petitioners on bail pending disposal of the above appeal.

2. In and by the judgment of the trial court, the Petitioner/A1 was convicted for the offence under Section 39(3) r/w 51 of the Wild Life Protection Act and sentenced to undergo 3 years R.I. And fine of Rs.10,000/- and in default to undergo 3 months S.I. and A17 was convicted for the offence under Section 9 read with 52 read with 51 of the Wild Life Protection Act and sentenced to undergo 3 years R.I. and fine of Rs.10,000/- and in default to undergo 3 months S.I. and against which, the present appeal has been filed.

3. According to the learned counsel for the Petitioners, there are arguable points available in the Criminal Revision Case, which is not likely to be taken for final hearing in the near future and the Petitioners have got a fair chance of succeeding in the Criminal Revision Case. Learned counsel for the petitioners would submit that the subsequent to the confirmation of conviction by the Appellate Court, the petitioners have surrendered before the trial court on 06.12.2021 and they are in custody and hence, the sentence imposed against the Petitioners may be suspended and the Petitioners may be enlarged on bail.

4. Learned Government Advocate (crl side) appearing for the respondent would submit that the petitioners/accused were charged for the offences under three categories:

- i) Possession of leopard skin for the purpose of sale.
- ii) Hunting of two tigers and possession of tigers skin for the purpose of sale.
- iii) Hunting of wild animals using M.O.3 Countrygun.

He would further submit that the trial court finding that the prosecution has proved the case, had convicted the accused. The appellate court has also confirmed the same. He would oppose for grant of suspension of sentence.

5. In reply, the learned counsel for the petitioner would submit that as far as the averment against the first petitioner is concerned, he is alleged to have been found in possession of leopard skin and that as far as the second petitioner is concerned, he being a local drive tribal man is stated to have abetted the other accused in the crime. He would further submit that the petitioners are in custody.



6. Heard the learned counsel for the petitioners and perused the materials on record.

7. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioners, this Court is of the view that the substantive sentence alone of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal appeal, the reliefs of suspension of sentence and bail are granted, on the following conditions :-

i. The petitioners 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, Kothagiri.

ii. The petitioners shall appear before the Trial Court on the every Monday at 10.30 a.m. until further orders and if Monday is a holiday he shall appear on the next working day.

8. The Criminal Miscellaneous Petition is ordered accordingly.

-sd/-

23/12/2021

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 SESSIONS COURT
MAGALIR NEETHIMANDRAM (FAST TRACK MAHILA COURT)
UDHGAMANDALAM, THE NILGIRIS.

2 THE JUDICIAL MAGISTRATE,
KOTAGIRI, THE NILGIRIS.

3 THE CHIEF JUDICIAL MAGISTRATE
THE NILGIRIS DISTRICT. [FOR INFORMATION]

4 THE FOREST RANGE OFFICER,
KOTAGIRI FOREST RANGE, KOTAGIRI, THE
NILGIRIS.



5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1 C.C. To M/S.L.MOULI Advocate on payment of necessary charges
SR.NO.15442

Order

in
CRL MP.13542/2021
in
CRL RC.1035/2021

Date :23/12/2021

From 7.2.2001 the Registry is issuing certified
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RW 23/12/2021