



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2021

CORAM

THE HONOURABLE MRS. JUSTICE R. THARANI

CrI. R.C.(MD)No.43 of 2021

WEB COPY

T.Murugan

..Petitioner/Petitioner/
Accused

Vs.

The State rep. by its,
The Forest Range Officer,
Srivilliputhur Forest Range,
Virudhunagar District.
In S.T.O.R.No.1 of 2019

.. Respondent/Respondent/
Complainant

Prayer : This Revision Case filed under Section 397 r/w. Section 401 of Cr.P.C., to call for the records relating to the order of the Judicial Magistrate No.II, Srivilliputhur, Virudhunagar, in CrI.M.P.No.255 of 2020, dated 24.09.2020 and to set aside the same as illegal and to allow the Criminal Revision.

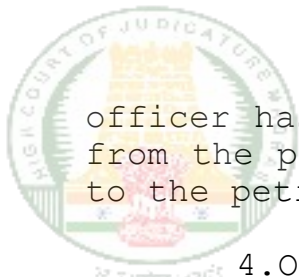
For Petitioner : Mr.M.Jegadeesh Pandian
For Respondents : Mrs.S.Bharathi
Government Advocate

ORDER

This revision petition has been filed to set aside the order passed by the Judicial Magistrate No.II, Srivilliputhur, Virudhunagar, in CrI.M.P.No.255 of 2020, dated 24.09.2020 and to allow the Criminal Revision.

2.The case against the petitioner is that on 13.12.2019, the forest official found around 428 units of teak woods in the saw mill of the petitioner without forest licence or transit permit. A case was registered by the respondent police in S.T.O.R.No.1 of 2019. The petitioner, claiming himself as the owner of the property, filed a petition before the Judicial Magistrate No.II, Srivilliputhur, Virudhunagar, for return of the property in CrI.M.P.No.255 of 2020. That petition was dismissed by the Judicial Magistrate. Against the same, the petitioner preferred this revision.

3.On the side of the petitioner, it is stated that the trial Court dismissed the petition only on the ground that confiscation proceeding was initiated by the Forest Department. The petitioner purchased the property from a licensed cultivator only transit permit was not obtained. Confiscation proceeding will not curtail the right of the revision petitioner. The village administrative



officer has already certified that the teak wood was purchased only from the private agency and prayed the property to be returned back to the petitioner.

4. On the side of the respondent, it is stated that confiscation proceeding was already concluded and the confiscation order was already passed by the Department. The petitioner filed this petition against the order in the petition for return of property and that the petitioner has failed to question the confiscation order and prayed the petition to be dismissed.

5. By way of reply, the petitioner's counsel has stated that the petitioner has filed a petition before the Principal District Judge, questioning the confiscation order and the same is pending.

6. In view of the above submissions, it is seen that a confiscation order was already passed and the same is questioned before the Principal District Court. Without prejudice to both sides, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Ls

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 Judicial Magistrate No. II,
Srivilliputhur, Virudhunagar.
2. The Forest Range Officer,
Srivilliputhur Forest Range,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Order made in

Crl. R.C. (MD) No. 43 of 2021

01.03.2021

MJ (CO)

SRS (22/03/2021) 2P : 4C

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