



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Fourth day of February Two Thousand Twenty Two

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PRESENT

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

CRIMINAL MISCELLANEOUS PETITION No.6158 of 2021

IN CRL.RC.NO.370 OF 2021

SAGAYARAJ

[PETITIONER]

Vs

STATE REP BY
FOREST RANGE OFFICER,
COONOR FOREST RANGE,
NILGIRIS DISTRICT.
STOR NO.1/2000.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.RC.NO.370 OF 2021 on the file of the High Court, the High Court will be pleased to enlarge the petitioner on bail by suspending the execution on sentence and conviction made in Crl.A.No.58 of 2015 dated 11.12.2020 by the learned District, Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Udhagamandalam, Nilgiris by confirming the Judgment passed by the Learned Judicial Magistrate, Coonoor in C.C.No.84 of 2000 dated 05.08.2015 pending disposal of the above CRL.RC.NO.370 OF 2021

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.RC.NO.370 OF 2021 on the file of the High Court and upon hearing the arguments of M/S.C.V.KUMAR, Advocate for the petitioner and of MR.S.SUGENDRAN, Govt.Advocate(Crl. Side) on behalf of the Respondent the court made the following order:-

This Criminal Miscellaneous petition has been filed seeking to suspend the sentence passed in judgment dated 11.12.2020 in Crl.A.No.58 of 2015 passed by the learned Sessions Judge, Magalir Neethimandram(Fast Track Mahila Court), Udhagamandalam at Nilgiris, confirming the judgment of conviction and sentence dated 05.08.2015 passed by the learned Judicial Magistrate, Coonoor in C.C.No.84 of 2000.

2 Learned counsel for the petitioner would submit that the petitioner along with A1 was tried and found guilty and convicted by the learned Judicial Magistrate, Coonoor, in C.C.No.84 of 2000 dated 05.08.2015 and sentenced to undergo two years rigorous imprisonment



and to pay a fine of Rs.7,500/-, in default to undergo three months simple imprisonment under Section 248(2) of Cr.P.C. for the offence under Section 35-B of Tamilnadu Forest Act, 1882 and 4 of the Tamilnadu Rosewood Trees (Conservation) Act, 1994 and acquitted from 21(d), 21(e) and 21(f) r/w 21(1) of Tamilnadu Rosewood Trees (Conservation) Act, 1994. Against the order of conviction and sentence passed by the trial court, the petitioner had preferred a Criminal Appeal No.58 of 2015 before the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Udthagamandalam, Nilgiris, and the Appellate Court by judgment dated 11.12.2020, confirmed the conviction and sentence passed by the trial Court.

3 He would further submit that pursuant to the order of conviction, the petitioner had surrendered before the trial Court on 02.02.2022 and he is now confined in Central Prison, Coimbatore . He would further submit that no independent witness was examined by the prosecution to prove the case against the petitioner and the evidence of the eye witnesses are contrary with regard to identification of the accused. The petitioner has got good case on the revision and would pray that the substantive sentence of imprisonment may be ordered.

4 Learned Additional Public Prosecutor would submit that the the trial court convicted the petitioner and sentenced him to undergo two years rigorous imprisonment and to pay a fine of Rs.7,500/-, in default to undergo three months simple imprisonment under Section 248 (2) of Cr.P.C. for the offence under Section 35-B of Tamilnadu Forest Act, 1882 and 4 of the Tamilnadu Rosewood Trees (Conservation) Act, 1994. On appeal, the Appellate Court had confirmed the conviction and sentence passed by the trial Court.

5 Considering the facts and circumstances of the case and also considering the submissions of the learned counsel on either side, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Revision, the substantive sentence of imprisonment alone is suspended and the petitioner is ordered to be enlarged on bail, on the following conditions:-

- i. The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Coonoor, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically
- ii. The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.



6 This Criminal Miscellaneous Petition stands ordered accordingly.

-sd/-

04/02/2022

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 JUDICIAL MAGISTRATE, COONOR

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS (FOR INFORMATION)

3 THE SESSIONS JUDGE
MAGALIR NEETHIMANDRAM (FAST TRACK MAHILA
COURT), UDHAGAMANDALAM AT NILGIRIS

4 FOREST RANGE OFFICER,
COONOR FOREST RANGE,
NILGIRIS DISTRICT.

5 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

C.C. to M/S. C.V.KUMAR Advocate on payment of necessary charges
Sr.2062

Order

in

CRL MP.6158/2021

IN CRL.RC.NO.370 OF 2021

Date : 04/02/2022

From 7.2.2001 the Registry is issuing certified
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RVR 08/02/2022