



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

Wednesday, the Twenty Eighth day of September Two Thousand and
Twenty Two
PRESENT

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The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P. (MD) No.11714 of 2022
in
Crl.R.C(MD) .No.952 of 2022

NAGARAJ

... PETITIONER / APPELLANT

Vs

THE STATE REP.BY,
THE FOREST RANGE OFFICER
SIVAGANGAI FOREST RANGE,
SIVAGANGAI, SIVAGANGAI DISTRICT.
FOREST WILD CASE NO.1/2012

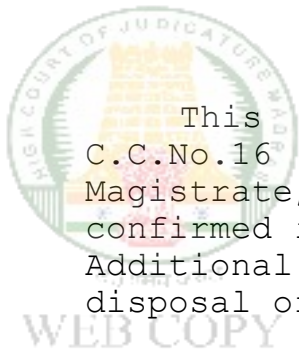
... RESPONDENT / RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the substantive sentence imposed on the petitioner vide conviction order dated 02.08.2018 passed in C.C No. 16 of 2016 on the file of the District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai District as confirmed vide order dated 26.08.2022 passed in C.A.No.102 of 2018 on the file of Additional District Judge, Sivagangai, Sivagangai District pending disposal of the above Criminal Case.

Prayer in CRL RC(MD) . 952/ 2022 :

To call for the records and set-aside the Judgment dated 26.08.2022 passed in Crl.A.No.102 of 2018 on the file of the Additional District Judge, Sivagangai, Sivagangai District thereby confirming his conviction order vide Judgment dated 02.08.2018 passed in C.C No.16 of 2016 on the file of the District Munsif cum Judicial Magistrate Court, Ilayangudi, Sivagangai District thereby found guilty under section 9 schedule I part III SI.No.10(C), 11 and r/w section 51 of Wild Life Protection Act 1972 and amended Act 2006 and Sentenced to undergo three years Simple Imprisonment and to pay a fine of Rs.10,000/- and in default shall undergo six months simple imprisonment.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.PRAHALAD RAVI.B, Advocate for the petitioner and of MR.S.MANIKANDAN, Government Advocate (Crl. Side) on behalf of the Respondent, While admitting the Crl.RC., the court made the following order:-



This petition is filed to suspend the sentence passed in C.C.No.16 of 2016, dated 02.08.2018 on the file of the Judicial Magistrate, Ilayangudi, Sivagangai District, and the same was confirmed in C.A.No.102 of 2018, dated 26.08.2022 on the file of the Additional District Judge, Sivagangai, Sivagangai District, pending disposal of the Criminal Revision.

2.The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court for the alleged offence under Sections 9 and 51 of Tamilnadu Wild Life Protection Act 1972 as amended as per the Amendment Act 2006 and sentenced him to undergo simple imprisonment for a period of three years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for a period of six months in C.C.No.16 of 2016 on the file of the Judicial Magistrate, Ilayangudi, Sivagangai District and the same was confirmed by Additional District Judge, Sivagangai, Sivagangai District, in C.A.No.102 of 2018, dated 26.08.2022.

3.Mr.S.Manikandan, learned Government Advocate(Crl.Side) appearing for the respondent submitted that there are enough materials available on record against the petitioner and hence he strongly opposed to grant suspension of sentence.

4.This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

5.Having regard to the fact that there are arguable points involved in the revision case and further, the revision case is not likely to be taken up for final hearing in the near future and also considering the fact the petitioner is already enlarged on bail by the trial Court, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is 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 District Munsif Cum Judicial Magistrate Court, Ilayangudi, Sivagangai District, and on further condition that the petitioner shall appear before the said Court at 10.30 a.m. on the first working day of every English Calendar month, pending disposal of the revision.

sd/-

28/09/2022

/ TRUE COPY /

30/09/2022

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



TO

1 THE ADDITIONAL DISTRICT JUDGE,
SIVAGANGAI, SIVAGANGAI DISTRICT.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ILAYANGUDI,
SIVAGANGAI DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

4 THE FOREST RANGE OFFICER
SIVAGANGAI FOREST RANGE, SIVAGANGAI,
SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.PRAHALAD RAVI.B Advocate SR.No.10695.

ORDER

IN

CRL.M.P. (MD) No.11714 of 2022
in

CrI.R.C (MD) .No.952 of 2022

Date :28/09/2022

MK/VR/SAR.II/30.09.2022/3P/7C