



Crl.R.C.No.940 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 08.06.2023

Orders Pronounced on : 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

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P.Chandran

...Petitioner

.. Vs ..

1.A.Periyasamy
2.Selvaraj
3.Palanisamy
4.Arumugam
5.Anbalagan
6.Arivalagan

...Respondents

PRAYER : Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C., to set aside the order in Crl.M.P.No.266 of 2019 passed by the learned Judicial Magistrate No.5, Salem dated 12.06.2019 and further directing to take cognizance of the same on file.

For petitioner : Mr.J.Sudhakaran

For R1 to R5 : Mr.N.Ponraj

For R6 : No appearance



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ORDER

The private complainant is the revision petitioner herein.

2. The revision petitioner filed Crl.M.P.No.266 of 2019 in respect of the alleged offence under Sections 341, 420 and 166 I.P.C.

3. The case of the petitioner is that, on 17.05.2018 around 4.00 p.m, the petitioner's son Mr.Manikandan, in his Mahindra Tempo (TN 43 C 3749, was taking reaper Woods from Savukku Thoppu situated in the patta land of the petitioner in Kancheri, Yercaud Taluk i.e., in between Yercaud and Danishpet, to the petitioner's timber depot. The same was taken by the petitioner for his personal use to repair the household.

4. When the petitioner's son Mr.Manigandan was driving towards the Timber Depot while carrying the reaper Woods, some unknown persons, namely the respondents herein, who are inimical to the petitioner, and claiming to be Forest Officers, came and informed the petitioners' son that he has been carrying the reaper Woods unlawfully by cutting the same from the forest. The respondents have retained



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the said Mahindra Tempo and informed the petitioner's son that they will charge fine to the extent of Rs.50,000/- to Rs.1,00,000/-. The respondents have threatened the complainant that they will register a case against the petitioner if the said amounts are not paid. The petitioner states that on 17.05.2018 and on 18.05.2018, the respondents have retained the custody of the petitioner and thereafter, the petitioner has come out on the ground of illness. They have threatened that, only on payment of the bribe money to them, as aforementioned, they will release the vehicle in question. On 19.05.2018, the petitioner has filed a private complaint before Courts below. The respondent has filed the private complaint in Crl.M.P.No.266 of 2019 on the file of the learned Judicial Magistrate No.5, Salem for the offences under Sections 166, 341 and 420 of I.P.C. The said Crl.M.P was dismissed on the ground that the same is not maintainable, vide order dated 12.06.2019 in Crl.M.P.No.266 of 2019 by the learned Judicial Magistrate No.5, Salem.

5. The learned counsel appearing for the petitioner contended that the Trial Court has committed mistake in dismissing the complaint and ought to have been taken cognizance of the complaint. The Trial Court committed an error in not appreciating the statement



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of P.W.1 that on 17.05.2018 and 18.05.2018, the respondents have illegally retained the vehicle in question and removed casuarina tree while carrying the same in the vehicle bearing Registration No.TN 43 C 3749, which was taken by the official respondents 2 to 6 and it is alleged that he will demand payment Rs.50 lakhs to Rs.1 lakh failing which he will file a false case against P.W.1 and hence it is alleged that they have committed the offence under Sections 341 and 420 and 166 I.P.C.

6. Admittedly, the official respondents 2 to 6 have admitted their capacity as forest official and they are discharging their duty, and when they checked the lorry which was carrying the said tree and the same cannot be termed the offence under Section 341 I.P.C, since they have a reasonable restriction to intercept the lorry from the forest based on the procedures laid down under the Forest Law.

7. After going through the affidavit, it is seen that no ingredients are made out under Sections 420 and 166 of I.P.C. After going through the statement and the private complaint, I do not find any reason to disbelieve the views expressed by the learned Magistrate and hence the finding rendered by the learned Magistrate that the



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complaint does not disclose any prima facie case for commission of offences falling under Sections 341, 420 and 160 I.P.C. Accordingly, the Court below rightly rejected the complaint. Hence, I do not find any illegality or irregularity warranting interference by this Court in the revisional jurisdiction.

8. Accordingly, this Criminal Revision Petition is dismissed as devoid of merits.

12.06.2023

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Internet:Yes/No
Speaking Order:Yes/No
Neutral Citation: Yes/No

To

1. The IV Additional District and Sessions Judge, Coimbatore.
2. The Judicial Magistrate (FTC-II), Coimbatore
3. The Public Prosecutor
High Court, Madras.
4. The Inspector of Police,
Tirukoilur Police Station,
Tirukoilur.



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RMT.TEEKAA RAMAN, J.

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