



Crl.R.C.No.1899 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1899 of 2023

Kumaran

... Petitioner

Vs.

State,
Forest Range Officer,
Head Quarters Range [Wildlife],
Velachery,
Chennai – 600 032.

... Respondent

Prayer: Criminal Revision Petition filed under Sections 397 r/w. 401 of Criminal Procedure Code, to set aside the order dated 04.09.2023 in Crl.M.P.No.35284 of 2023 on the file of II Metropolitan Magistrate Court, Egmore.

For Petitioner : Ms.R.Madhubala

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



Crl.R.C.No.1899 of 2023

WEB COPY

ORDER

This Criminal Revision Petition is filed to set aside the order dated 04.09.2023 in Crl.M.P.No.35284 of 2023 on the file of II Metropolitan Magistrate Court, Egmore.

2.The petitioner/A1 in W.L.O.R.No.21 of 2023, from whom Autorickshaw bearing registration No.TN-06-Y-0032 and a Samsung Cellphone were seized, filed a petition for return of property before the Lower Court in Crl.M.P.No.35284 of 2023. The Lower Court considering the seriousness of the offence and also the fact that the petitioner committed the offence in violation of forest law and further, there is a separate procedure contemplated under the Forest Law for seizure, confiscation and the petitioner to challenge the same in the manner known to law, dismissed the petition giving liberty to the petitioner to approach the Chief Conservator of Forest who is the competent authority and further reminding of the appeal provision under Section 58R of the Forfeiture of Property Derived from Illegal Hunting and Trade.



WEB.COM

3.Learned counsel for the petitioner submitted that the petitioner was falsely implicated in this case, the petitioner was moving along with his friends in an Autorickshaw after vacating his friend's place who recently passed away, during the clearance of garage two long tusk like articles were found and they were taken in the Autorickshaw. At that time, the Director of Revenue Intelligence intercepted with regard to some other information and they handed over the Autorickshaw and the petitioner along with other accused to the respondent police, who registered a case under the Tamil Nadu Wildlife Protection Act and later, the petitioner was granted bail by this Court vide dated 05.07.2023. He would further submit that the petitioner is co-operating with the investigation and the petitioner needs the vehicle for his daily usage.

4.The learned Additional Public Prosecutor on the other hand strongly opposed the same and filed a counter stating that on 04.06.2023 the Director of Revenue Intelligence on information that the petitioner and his friends were selling elephant tusk [ivory] covered under Schedule-I of the Wildlife Protection Act, intercepted the petitioner and others who were travelling in



Crl.R.C.No.1899 of 2023

an Autorickshaw bearing registration No.TN-06-Y-0032 near AGS

Cinemas, T.Nagar and thereafter all the seven persons were intercepted, questioned and they were handed over to the respondent. The respondent police registered a case, arrested the accused, produced them before the II Metropolitan Magistrate, Egmore, Chennai and the properties were also produced before the Court. The elephant tusks were sent to the forensic lab and the result is pending. Since the petitioner is an accused in W.L.O.R.No.21 of 2023, the Autorickshaw cannot be returned to him and the vehicle is liable to be confiscated as per Wildlife Protection Act. He further submitted that the Ranger of Headquarters initiated confiscation proceedings in Na.Ka.No.89/2023 dated 26.09.2023 and sent a request to the Wildlife Warden to take appropriate action. He would further submit that the petitioner can participate in the confiscation proceedings for return of property.

5.Considering the submissions made and on perusal of the materials, it is seen that confiscation proceedings initiated and the petitioner's vehicle is involved in the violation of Wildlife Protection Act wherein there is a



Crl.R.C.No.1899 of 2023

separate procedure for seizure, confiscation and release of vehicle. Further, the petitioner has to approach the concerned authorities to redress his grievances. In view of the same, this Court finds no reason to interfere with the order of the Lower Court.

6. Accordingly, the Criminal Revision Petition stands dismissed with liberty to the petitioner to approach the concerned authorities seeking for release of vehicle.

07.12.2023

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
cse
To

1. The Forest Range Officer,
Head Quarters Range [Wildlife],
Velachery, Chennai – 600 032.
2. The II Metropolitan Magistrate Court,
Egmore.
3. The Public Prosecutor,
High Court, Madras.



WEB COPY



CrI.R.C.No.1899 of 2023

M.NIRMAL KUMAR, J.

cse

CrI.R.C.No.1899 of 2023

07.12.2023