



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

Monday, the Nineteenth day of June Two Thousand and Twenty Three  
PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL MP(MD) No.4070 of 2023

IN

CRL RC(MD) No.282 of 2023

WEB COPY

1 VIJAYA KUMAR  
2 JAIGANESH

... PETITIONERS/PETITIONERS

Vs

THE STATE REPRESENTED BY  
THE FOREST RANGER  
MADURAI RANGE,MADURAI DISTRICT.

... 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 sentence imposed on the petitioner in C.C.No.206 of 2016 on the file of learned Judicial Magistrate Court-V,Madurai dated 17.02.2020 confirmed by the learned V Additional District and Sessions Judge,Madurai in Crl.A.No.42 of 2020 dated 11.01.2023, pending disposal of the main Criminal Revision Petition.

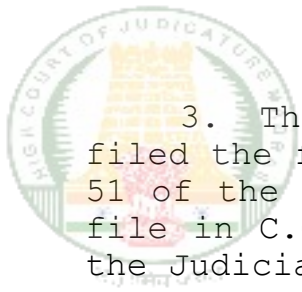
Prayer in CRL RC(MD). 282/ 2023 :

To call for the records pertaining to the conviction order passed in Crl.A.No.42 of 2020 on the file of the learned V Additional District and Sessions Judge,Madurai dated 11.01.2023 by confirming the conviction sentence and also enhancing the fine amount passed by the learned Judicial Magistrate Court-V, Madurai dated 17.02.2020 in C.C.No.206 of 2016 and set aside the same.

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.SIVABALAN K, Advocate for the petitioner and of MR.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the Court made the following order:-

The above petition has been filed to suspend the sentence imposed on the petitioners/accused Nos.1 and 2 by the learned Judicial Magistrate No.V, (FAC), Madurai, in C.C.No.206 of 2016, dated 17.02.2020, which was confirmed by the learned V Additional District and Sessions Judge, Madurai in C.A.No.42 of 2020, dated 11.01.2023.

2. The case of the prosecution is that the petitioners were found in possession of 6 pair of peacock legs and 54 porpucine hair and they were trying to sell the same and on that basis, a case was registered in WLOR.No.2 of 2014.



3. The respondent, after completing the investigation as filed the final report for the offences under Sections 9, 39, 50 and 51 of the Wild Life Protection Act, 1972 and the case was taken on file in C.C.No.206 of 2016 and the same was pending on the file of the Judicial Magistrate No.V, (FAC), Madurai.

4. The learned counsel appearing for the petitioners would submit that the trial Court has convicted the petitioners for the offence under Section 51(1-A) of the Wildlife Protection Act, 1972 and sentenced them to undergo 3 years simple imprisonment and to pay a fine of Rs.1,000/- each, in default, to undergo 3 months imprisonment.

5. Challenging the above said conviction and sentence, the petitioners have filed an appeal in C.A.No.42 of 2020 on the file of the V Additional District and Sessions Judge, Madurai. The learned Sessions Judge by confirming the sentence imposed on the petitioners has modified the fine amount from Rs.1,000/- to Rs.5,000/- and dismissed the appeal. Being dissatisfied with the said conviction and sentence, the petitioners have preferred the present criminal revision along with the above application for suspension of sentence.

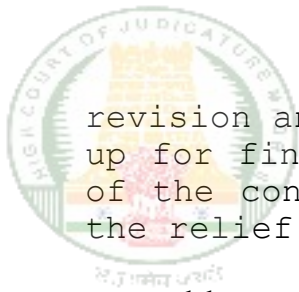
6. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondent would submit that the petitioners have surrendered and they were sent to prison to undergo the remaining sentence, but as per the orders passed in Crl.M.P.(MD)No.4070 of 2023 dated 26.04.2023, the first petitioner was granted interim bail for a period between 27.04.2023 and 31.05.2023 and thereafter, he surrendered on 01.06.2023 and now both of them are in jail till now.

7. The learned counsel appearing for the petitioners would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioners have already paid the fine amount.

8. The learned Additional Public Prosecutor appearing for the respondent would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence.

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

10. The learned counsel appearing for the petitioners pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact



revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

11. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:-

(i) The petitioners 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 Court-V, Madurai;

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioners shall appear before the trial Court once in a week i.e., on every Monday at 10.30 a.m., until further orders and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 of Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

sd/-

19/06/2023

/ TRUE COPY /

19/06/2023

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

CSM

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI.
- 4 THE FOREST RANGER, MADURAI RANGE, MADURAI DISTRICT.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SIVABALAN K, Advocate ( SR-9052[I] dated 19/06/2023 )

ORDER IN

CRL MP(MD) No.4070 of 2023  
IN

CRL RC(MD) No.282 of 2023

Date :19/06/2023