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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.07.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)No.12459 of 2021

S.Pragadeeshwaran

... Petitioner

Vs.

1. The Principal Chief Conservator of Forests,
Panagal Maligai,
Saidapet, Chennai.

2. The Regional Conservator of Forests,
Madurai Zone,
Race Course Road,
Madurai.

3. The Wildlife Warden,
Megamalai Wildlife Forest Division,
Theni,
Theni District.

4. The Forest Ranger,
Cumbum East,
Forest Ranger Office,
Cumbum,
Theni District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a ***Writ of Mandamus***, to direct the 3rd and 4th Respondents to consider the Petitioner's representation, dated 15.02.2021 in accordance with law, within a time stipulated by this Court.



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For Petitioner : No appearance

For Respondents : Mr.C.Baskaran
Government Advocate

ORDER

This writ petition has been filed for *Writ of Mandamus*, to direct the 3rd and 4th Respondents to consider the Petitioner's representation, dated 15.02.2021.

2. Heard Mr.C.Baskaran, learned Government Advocate appearing for the respondents. The Learned Government Advocate appearing for the respondents submitted that the petitioner has filed this writ petition to consider and pass order on his representation, hence prayed to dispose the writ petition directing the respondents to consider and pass orders. And also submitted the writ petition may not be disposed on merits. However, this Court is inclined to consider the case of the petitioner on merits, since in the present writ petition legal issue is involved.

3. The allegation against the petitioner is that he has felled the trees without permission, thereby attracts the penal provision under Forest Act. Hence, the respondents have registered FIR on 04.01.2014 and charge sheet has



also filed on 30.04.2021. It is seen for the charges against the petitioner, the punishment prescribed under IPC is one year with fine.

4. As per Section 468 of Cr.P.C., if the punishment is for one year, then the charge sheet should be filed within a period of one year. In the present case the chargesheet is filed beyond the period of one year. The section 468 Cr.P.C. is extracted hereunder:

Section 468 of CrPC

“The court cannot take cognizance after the limitation period is over. It bars the proceedings after the limitation period has elapsed, in the following manner:

When there is only a fine imposed “for the punishment, six months is the limitation period;

When the imprisonment “for the offence” does not exceed one year, the period “of limitation” is one year;

When the minimum sentence “for the offence” is one year and the maximum is three years then the period of limitation will be three years”.

5. In the present case the punishment prescribed in one year and the charge sheet is filed beyond the period of one year, hence considering the facts and circumstances of the case, this Court is inclined to allow this writ



petition. Moreover, the goods are lying idle with the respondents from 2014 onwards. Hence, the respondents are directed to release the goods. The respondents may impose any reasonable conditions to release the goods.

6. Accordingly, this Writ Petition is allowed. No Costs.

14.07.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To

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Saidapet, Chennai.
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S.SRIMATHY, J.

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