



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P. No.3078 of 2024
and CrI.M.P. Nos.2239 & 2240 of 2024

1.V.Rameshkumar

2.Venkatesh

...Petitioners

Vs

State Rep. by its
The Forest Range Officer,
Sriperumbudur Range,
Sriperumbudur.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the case in C.C.No.07 of 2022 on the file of the District Munsif Cum Judicial Magistrate Court, Sriperumbudur and quash the same.

For Petitioner : Mr.S.Viswanathan

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

This petition has been filed challenging the proceedings initiated by the respondent against the petitioner under Sections 39, 49(B), 50(C) & 51 of Wildlife Protection Act, 1972.

2. The grounds raised by the counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. The facts of this case and grounds raised the quash petition does not fall within the parameters laid down by the Apex Court in ***Bhajan Lal case*** reported in (1992) ***Suppl (1) SCC 335***. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law. This Court is not inclined to interfere with the proceedings pending before the Court below.

3. Accordingly, this Criminal Original Petition is dismissed with a direction to the Court below to complete the proceedings in C.C.No.07 of 2022 on the file of



J District Munsif Cum Judicial Magistrate Court, Sriperumbadur within a period of six months from the date of receipt of a copy of this order. The trial shall be conducted on a day to day basis in accordance with the guidelines given by Hon'ble Supreme Court reported in *Vinod Kumar Vs State of Punjab [2015 (1) MLJ (Crl) 288 SC]*. If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in *STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)*. Consequently, connected miscellaneous petitions are closed.

16.02.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
ssr

To

1. The District Munsif Cum Judicial Magistrate Court, Sriperumbadur.
2. The Forest Range Officer,
Sriperumbudur Range,
Sriperumbudur.



WEB COPY



N.ANAND VENKATESH, J

SSR

3.The Public Prosecutor,
High Court, Madras.

CrI.O.P. No.3078 of 2024
and CrI.M.P. Nos.2239 & 2240 of 2024

16.02.2024