



Crl.O.P.No.28408 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.28408 of 2023

1. A.Chandran

2. A.Babu

... Petitioners/Accused

Vs.

State Rep. by Station House officer,
Chidambaram Forest P.S.

W.L.O.R.No.02/2021

... Respondent/Respondent

Criminal Original Petition under Section 482 of the Criminal Procedure Code praying to set aside the judgement dated 09.10.2023 passed in Crl MP No.7280 of 2023 in CA No.70 of 2023 on the file of the learned Hon'ble Principal District and Sessions Judge, Cuddalore.

For Petitioners : Mr.S.Saravana Kumar

For Respondent : Mr.A.Damodaran

Additional Public Prosecutor

ORDER

This petition has been filed challenging the order passed by the Court below in Crl.MP.No.7280 of 2023 in Crl A No.70 of 2023 dismissing the application for suspension of sentence.



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2. Heard Mr.S.Saravana Kumar, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for respondent.

3. The petitioners were convicted for an offence under Section 9 r/w 51(1) of the Wild Life Protection Act and they were sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/-. Aggrieved by the judgement of the Trial Court, an appeal was filed before the Principal District and Sessions Judge, Cuddalore. An application was filed for suspension of sentence. Since the petitioners did not deposit the fine amount, the Court below dismissed the application for suspension of sentence by an order dated 09.10.2023. Aggrieved by the same, the present petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that the petitioners are willing to deposit the fine amount within the time stipulated by this Court.



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5. The learned Additional Public Prosecutor on instructions submitted that the petitioners are inside the prison from 07.09.2023 onwards till date.

6. Taking into consideration the facts and circumstances of the case and the submissions made on either side, this Court is inclined to pass the following order in this Criminal Original Petition :-

(a) The petitioners are enlarged on bail and each petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Principal District and Sessions Judge, Cuddalore.

(b) The petitioners shall deposit a fine amount of Rs.40,000/- within a period of eight weeks, after they are released from the Jail.

(c) The petitioners shall present before the learned Principal



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District and Sessions Judge, Cuddalore, during every date of hearing.

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(d) If the petitioners fail to deposit the amount as directed by this Court in Clause (b), the bail shall stand cancelled and the petitioners shall be made to serve the sentence imposed by the trial Court.

10.01.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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Note : Issue order copy on 11.01.2024

To

1. Principal District and Sessions Judge, Cuddalore.
2. The Public Prosecutor, High Court, Madras



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