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CRL MP(MD) NO. 14058 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE P.VADAMALAI

CRL MP(MD) NO. 14058 of 2024

IN

CRL RC(MD) NO. 1388 OF 2024

Badurdeen

S/o.Asan Mohammed, 11th Ward, South Muslim Street,
New Ayakudi Village, Palani District.

Petitioner(s)

Vs

The State of Tamilnadu

Rep by The Forest Range Officer, Oddanchatram Range,
Oddanchatram, Dindigul District. (WLOR No.02/2006)

Respondent(s)

For Petitioner(s):

Mr.B.Jameelarasu, Advocate

For Respondent(s):

Mr.M.Vaikkam Karunanithi

Government Advocate (Criminal Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner/A1 by the learned Judicial Magistrate, Palani in C.C.No.103 of 2019, dated 08.03.2022, which was confirmed in Criminal Appeal No.14 of 2022, dated 25.09.2024, by the Additional District Court (Fast Track Court), Palani pending disposal of the Criminal Revision Case in Crl.R.C.(MD)No.1388 of



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2. Based on a complaint given by the de-facto complainant, a case, in WLOR No.2 of 2006, came to be registered by the respondent police as against the accused for the offence under Section 26 of Tamil Nadu Forest Act read with Sections 9, 39(1) (a)(c)(A) and 51(1) of Wild Life (Protection) Act.

3. The respondent, after completing the investigation, has filed the final report in FORM - A and the same was taken on file in C.C.No.103 of 2019 on the file of the learned Judicial Magistrate, Palani.

4. The learned counsel appearing for the petitioner submitted that the petitioner/A1 has been convicted by the trial Court on 08.03.2022, and the trial Court sentenced the petitioner/A1 to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only), in default, to undergo simple imprisonment for a period of three months for the offence under Section 51(1) of Wild Life (Protection) Act.

5. Challenging the above said conviction and sentence, the petitioner has preferred an appeal in Criminal Appeal No.14 of 2022 on the file of the Additional District Court (Fast Track Court), Palani. By a judgment, dated 25.09.2024, the learned Additional District Judge (Fast Track Court), Palani, by confirming the said conviction and sentence, dismissed the appeal. Being dissatisfied with the said



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conviction and sentence, the petitioner has preferred the present Criminal Revision Case, along with this Criminal Miscellaneous Petition seeking suspension of sentence, before this Court.

6. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case, and also there are contradictions in material particulars between the evidence of the prosecution witnesses.

7. The learned Government Advocate (Criminal Side) appearing for the respondent has raised strong objection, and submitted that there are enough materials available on record against the petitioner and hence, he opposed to grant suspension of sentence.

8. This Court has carefully considered the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent, and has also perused the materials available on record.

9. The learned counsel for the petitioner pointed out that there are certain infirmities and inconsistencies in this case, and also there are certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further, the criminal revision is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.



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10. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions :

(i) The petitioner 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, Palani, Dindigul District.

(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 petitioner shall appear before the learned Judicial Magistrate, Palani once in a month i.e., on first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
20/12/2024

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/01/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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MKN

TO

1 THE ADDITIONAL DISTRICT JUDGE
(FAST TRACK COURT) PALANI.

2 THE JUDICIAL MAGISTRATE,
PALANI, DINDIGUL DISTRICT.

3 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.

4 THE FOREST RANGE OFFICER,
ODDANCHATRAM RANGE,
ODDANCHATRAM,
DINDIGUL DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-15805[I] dated 20/12/2024)

ORDER
IN

CRL MP(MD) No.14058 of 2024

Date :20/12/2024

SA/VR/SAR. /22.01.2025/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.