



CrI.RC.No.252 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

CrI.RC.No.252 of 2021

K.Srinivasan
S/o. Kuppiah

...Petitioner

Vs.

The State
Rep.by Forest Range Officer,
Gudiyatham.
(O.R.No.1/2009)

...Respondent

Prayer: Criminal Revision Case filed under Sections 397 & 401 of the Code of Criminal Procedure, 1973 to set aside the judgment and order dated 15.02.2021 passed by the Principal Sessions Judge, Vellore in Criminal Appeal No.15 of 2017 confirming the judgment and order dated 24.01.2017 on the file of the Judicial Magistrate, Gudiyatham in C.C.No.156 of 2010.

For Petitioner : Mr.Sharath Chandran

For Respondent : Mr.J.Subbiah
Government Advocate (CrI.side)

ORDER

This Criminal Revision Petition challenges the judgment of the Principal Sessions Judge, Vellore, dated 15.02.2021, in C.A.No.15 of 2017, which confirmed the conviction and sentence imposed by the Judicial



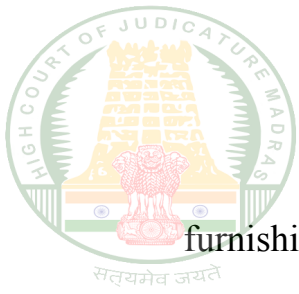
CrI.RC.No.252 of 2021

Magistrate, Gudiyatham, in CC No.156 of 2010.

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2. By the said judgment in C.C.No.156 of 2010, the learned Judicial Magistrate found the appellant guilty of an offence under Section 21(d), 21(e), and 21(f) of the Tamil Nadu Forest Act, 1882 and sentenced him to undergo 2 years S.I. and pay a fine of Rs.7,500/-. In default, he was to undergo one month S.I. each for the mentioned offences. The judgment further ordered that the sentences shall run concurrently, and the detention period of 7 days shall be set off.

3. The case of the prosecution is that on 13.11.2009, at about 2.15 a.m., upon received information, Mr. Ranganathan, Forester, along with his party, went inside the forest from the rest house in a vehicle bearing registration No. TN-23-G-0451 and conducted a check. It was found that the three accused in this case were attempting to steal a red sanders log measuring 375 cm in length and 34 cm in girth, which was seized. The original report was registered as the said timber is a scheduled timber for the offences under Section 21(d), (e), and (f), and under Section 36 (A) & (E) of the Tamil Nadu Forest Act, 1882. Thereafter, a private complaint was filed in Form-A, which was taken on file as CC No.156 of 2010. Upon appearance of the accused and

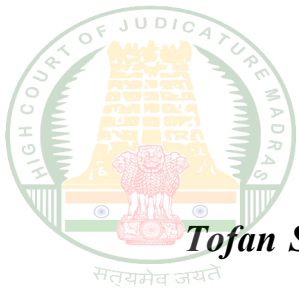


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furnishing of copies, the accused denied the allegations. To prove the offences, the prosecution examined PW.1 to PW.6 and marked Ex.P1 to P11. The red Sanders log seized from the accused was also produced as M.O.1. When questioned about the incriminating evidence under Section 313 of the Code of Criminal Procedure, the accused denied the charges as false. Subsequently, no further evidence was presented on behalf of the accused.

4. The trial Court then considered the submissions from both sides. While acquitting Accused Nos.2 and 3, the Court convicted Accused No.1 and sentenced him as above. Aggrieved by this, the appellant filed criminal appeal in C.A.No.15 of 2017, on the file of the Principal Sessions Judge, Vellore, who, after re-evaluating the evidence, confirmed the conviction and sentence. The present revision is filed against that decision.

5. *Mr. Sharath Chandran*, the learned counsel appearing on behalf of the petitioner, submits that, in light of the ruling of this Court in Criminal Revision Case No.1210 of 2020 (**Thambhu @ Thambattan Vs. The Forest Range Officer**), the conviction, which is solely based on the evidence of Forest Officials and the confession made before them, cannot be upheld. He argues that, by applying the dictum from the Constitution Bench judgment in



Tofan Singh Vs. State of Tamil Nadu reported in [2021 4 SCC 1], which is

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6. Per contra, the learned Government Advocate (Crl.side) submits that when the trial Court and the appellate Court have convicted the petitioner after due appreciation of evidence, the scope for this Court in exercising revisional jurisdiction is limited. The forest offences stand on a different footing because none except the foresters can venture inside the reserve forest. The learned Government Advocate confirms that the petitioner is a first offender, with no previous cases and no subsequent cases, and he has also served a sentence of 7 days in this case.

7. I have considered the said submissions made on either side and perused the material records of the case.

8. With reference to the legal submission regarding the validity of the



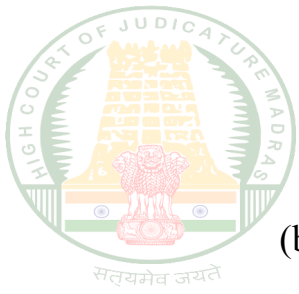
CrI.RC.No.252 of 2021

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confession statements made before the Forest Officer, it should be noted that in the present case, where the incident occurred inside the reserve forest and accused were apprehended inside the reserve forest. Even though this Court in ***Thambhu @ Thambattan Vs. The Forest Range Officer*** considered the matter. The question regarding offences occurring within forests, where only forest officials are permitted to enter, and the circumstances under which the accused are apprehended, has not been addressed explicitly in that matter. Be that as it may, since there were no previous cases against the petitioner and no subsequent cases either, and considering that he is a first offender, I am of the view that, while upholding the conviction, instead of sentencing the petitioner, the provisions of the Probation of Offenders Act, 1958 can be applied to this case. The fact that the petitioner has a permanent abode is admitted.

9. In the result, this Criminal Revision Case is partly allowed on the following terms:

(a) The Conviction of the petitioner for the offence under Section 21(d), (e), and (f), and under Section 36 (A) & (E) of the Tamil Nadu Forest Act, 1882 by the Learned Judicial Magistrate, Gudiyatham, in CC No.156 of 2010 and confirmed in C.A.No.15 of 2017 by the Principal Sessions Judge, Vellore, by Judgment dated 15.02.2021, stand confirmed;



Crl.RC.No.252 of 2021

(b) Without further sentencing the petitioner, the petitioner is released on probation as per Section 4 read with 11 of the Probation of Offenders Act, 1958 on the following conditions:

(i) The petitioner shall execute a bond undertaking good conduct for 2 years from today, failing which the petitioner shall appear before this Court and take the sentence;

(ii) The petitioner shall also report before the jurisdictional Probationary Officer once in 6 months, who shall keep a watch on the petitioner as to his lawful living and avocation.

(c) No order as to costs.

12.08.2025

Neutral Citation: Yes/No
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Crl.RC.No.252 of 2021

D.BHARATHA CHAKRAVARTHY, J.

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To

1. The Forest Range Officer,
Gudiyatham.
2. The Principal Sessions Judge, Vellore.
3. The Judicial Magistrate, Gudiyatham.
4. The Public Prosecutor,
Madras High Court.

Crl.RC.No.252 of 2021

12.08.2025