



Crl.R.C.No.1546 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.08.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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Ravichandaran

.. Petitioner

Versus

State, Rep. by
The Forest Range Officer,
Tirupattur.
(STOR No.1/2016)

.. Respondent

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C., to set aside the impugned judgment, dated 30.07.2024 passed in C.A.No.74 of 2021 by the learned District and Sessions Judge, Tirupattur, confirming the order/judgment of conviction and sentence, dated 25.10.2021 passed in C.C.No.04 of 2017 by the learned Special Judicial Magistrate (Sandalwood cases), Tirupattur.

For Petitioner : Mr.Periaswamy I

For Respondent : Mr.J.Subbiah,



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Government Advocate (Crl. Side)



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ORDER

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This Criminal Revision Case is filed with a prayer to set aside the judgment, dated 30.07.2024 passed in C.A.No.74 of 2021 passed by the learned District and Sessions Judge, Tirupattur modifying the judgment of the learned Special Judicial Magistrate (Sandal Wood cases), Tirupattur, dated 25.10.2021 in C.C.No.4 of 2017. By the said judgment, the Trial Court had found the petitioner/first accused guilty of the offences under Sections 36-A and 36-E of the Tamil Nadu Forest Act, 1882 and sentenced to undergo three years Rigorous Imprisonment and to pay a fine of Rs.10,000/- and in default, to undergo two months Simple Imprisonment.

2. The case of the prosecution is that on 22.10.2016, early morning, at about 2.30 A.M, while the Jeep Driver, *P.W.3*, belonging to Tirupattur Forest Division, was sleeping inside his house, he suddenly heard the thud of the tree being cut and therefore, he immediately woke up and when he wanted to come out, his door was bolted from outside. Therefore, through his mobile



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phone, he called the other officials, who all came immediately and opened the door and thereafter, when they went to the spot, they found that sandalwood tree, which was inside the campus was cut into pieces. On further search, totally five accused started running away and four of them escaped in two wheelers and the petitioner/first accused, *Ravichandran*, tried to run upto the bus stand where he was caught. From him, in a bag, tools such as an old saw was recovered. He confessed about the persons involved in the crime and also stated that they have cut the sandalwood tree into twelve pieces, of which, one piece has been taken away by two of the accused.

3. Thereafter, investigation was completed and prosecution was launched against all the five accused. Upon appearance and issue of copies and questioning, the accused denied the allegations and stood trial. In order to bring home charges, *P.W.1* to *P.W.5* were examined by the prosecution and *Ex.P-1* to *Ex.P-7* were marked. Upon being questioned about the material



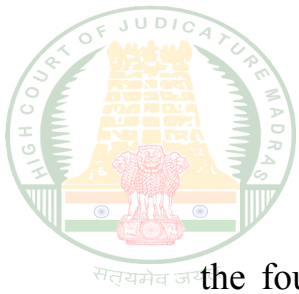
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evidence on record under Section 313 of the Code of Criminal Procedure,
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the same was denied as false. Thereafter, no defence evidence was let in.

The Trial Court, after considering the evidence on record, held that the prosecution failed to prove the allegations as against the accused Nos.2 to 5 and acquitted them. As far as the petitioner/first accused, since he was caught red-handed by *P.W.1* and also the tools, which were carried by him in his bag, was recovered and the recovery mahazar being marked as **Ex.P-3**, found the petitioner/first accused alone guilty of the offences under Sections 36-A and 36-E of the Tamil Nadu Forest Act, 1882 and sentenced as above.

4. *Mr.Periaswamy I*, learned Counsel for the petitioner/first accused would submit that the petitioner/first accused was a coolie and was working as a Watchman and was wrongfully implicated in this case as the forest officials were unable to apprehend anybody with reference to cutting of the sandalwood inside their campus. They could not recover one piece of wood which is said to have been stolen by the other accused. The very fact that all

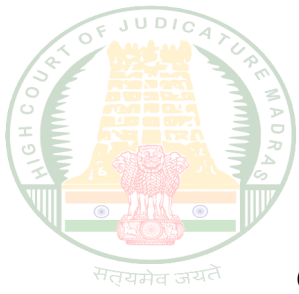


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the four accused were acquitted itself prove the falsity of the case of the prosecution. Alternatively, the learned Counsel would also submit that the petitioner/first accused has no previous cases and he is not involved in any other case. He has been facing this case since the year 2017. He has undergone incarceration at the time of investigation and also after dismissal of the appeal. Therefore, he would also make an argument relating to the question of sentence.

5. Per *contra*, *Mr.J.Subbiah*, learned Government Advocate (Crl. Side) for the respondent would submit that in this case, the prosecution has proved the offences beyond reasonable doubt in respect of the petitioner/first accused. The petitioner/first accused was caught red-handed. The tools which were kept in the bag, were also recovered. Only because the prosecution could not prove the offences beyond reasonable doubt, the other accused were acquitted by the Trial Court.

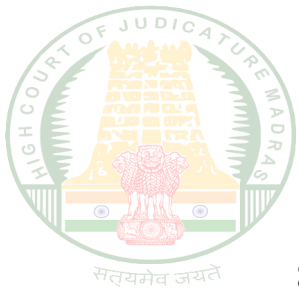


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6. I have considered the rival submissions made on either side and perused the material records of the case.

7. The fact that the sandalwood, which is a scheduled timber, lying within the premises of the office of the Forest Department, was cut, is proved by marking the Form-C, recovering the 11 pieces of the tree in all weighing to 164.50 kgs. *P.W.1* is the Forester who was said to have ran behind the petitioner/first accused and caught hold of him. *P.W.3*, the driver, who heard the noise and who informed *P.W.1* have all spoken to about the entire incident. The other officials involved in the search operation and seeing the accused running, were all examined. In view thereof, I am unable to accept the submissions of the learned Counsel for the petitioner/first accused and upturn the finding of guilt imposed by the Trial Court and by the Appellate Court after due appreciation and re-appreciation of the evidence.



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8. With reference to the quantum of punishment, I consider the following facts:-

(i) No piece of sandalwood was recovered from the petitioner/first accused;

(ii) The petitioner/first accused did not have any previous case or any subsequent case.

(iii) It is stated that the petitioner/first accused eking out his livelihood by being a coolie.

(iv) The petitioner/accused has been facing the proceedings from the year 2017 till date.

(v) It is stated that the petitioner/first accused has so far undergone the punishment of incarceration for a period of 61 days in total.

Therefore, I am of the view that while upholding the conviction of the petitioner/first accused for the offences under Sections 36-A and 36-E of the Tamil Nadu Forest Act, 1882, the period of imprisonment alone shall be modified as the period already undergone. It is stated that the fine amount is



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already paid and the same is recorded.

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

(i) The finding of guilt of the petitioner/first accused for an offence under Sections 36-A and 36-E of the Tamil Nadu Forest Act, 1882 by the Trial Court and the Appellate Court shall stand confirmed.

(ii) The sentence of imprisonment alone shall stand modified as one of period already undergone.

(iii) The fine amount shall remain the same and the fact that it is already paid, is recorded.

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Neutral Citation : no
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1. The District and Sessions Judge,
Tirupattur.
2. The Special Judicial Magistrate (Sandalwood cases),
Tirupattur.
3. The Forest Range Officer,
Tirupattur.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.,

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