



CRL RC(MD) No.371 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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Reserved on : 25.04.2025
Pronounced on : 05.06.2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.3794 and 3795 of 2025

in

CRL RC(MD) No.371 of 2025

1.Arjunan

2.Jeeva

Petitioners in
both the petitions

Vs

The State of Tamil Nadu rep. by
The Forest Ranger,
Ramanathapuram District.
(W.L.O.R.No.7 of 2017)

Respondent in
both the petitions

For Petitioners : Mr.D.Balamurugapandi, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Criminal Side)



CRL RC(MD) No.371 of 2025

Prayer in CRL MP(MD).3794 of 2025 :

WEB COPY This Criminal Miscellaneous Petition filed under Section 430 B.N.S.S. praying to suspend the sentence imposed punishments to this petitioners vide judgment in CrI.A.No.33 of 2024 on the file of learned Principal District and Sessions Judge, Ramanathapuram dated 04.02.2025, by confirming the judgment passed in C.C.No.110 of 2018 by the learned Judicial Magistrate Thiruvadanai on 22.04.2024 and enlarge the petitioners on bail in the event of arrest pending disposal of the main criminal revision petition.

Prayer in CRL MP(MD).3795 of 2025 :

This Criminal Miscellaneous Petition filed under Section 528 B.N.S.S. praying to exempt the petitioners from surrendering before the Court concern, in CrI.A.No.33 of 2024 on the file of learned Principal District and Sessions Judge, Ramanathapuram dated 04.02.2025, by confirming the conviction passed in C.C.No.110 of 2018 on the file of learned Judicial Magistrate Thiruvadanai dated 22.04.2024 pending disposal of the main criminal revision petition.

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence of imprisonment imposed on the petitioners/accused 1 and 2 by the learned Judicial Magistrate, Thiruvadanai, in C.C.No.110 of 2018, dated 22.04.2024, which was confirmed by the learned Principal District and Sessions Judge, Ramanathapuram, in CrI.A.No.33 of 2024, vide judgment dated 04.02.2025, pending disposal of the criminal revision and (ii) to exempt the petitioners to surrender before the trial Court.

2. The case of the prosecution is that on 14.10.2017 at about 01.00 a.m., the petitioners were found in possession of prohibited sea horses and sea cucumber and on the basis of the complaint given by the defacto complainant, FIR came to be



registered in W.L.O.R.No.7 of 2017.

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3. The respondent police, after completing the investigation, has filed the final report against the petitioners and the case was taken on file in C.C.No.110 of 2018 on the file of the Judicial Magistrate, Thiruvadanai.

4. During trial, the prosecution has examined 5 witnesses as P.W.1 to P.W.5, exhibited 13 documents as Ex.P.1 to Ex.P.13 and marked 3 material objects as P.M.O.1 to P.M.O.3. The accused have adduced neither oral nor documentary evidence.

5. The learned trial Judge, upon considering the evidence both oral and documentary and on hearing the arguments of both the sides, has passed a judgment dated 22.04.2024 convicting the petitioners for the offences under Sections 9, 39 (1) (a) (b) (d), 39 (3) (a) (b) (c), 40 (2), 50 and 51 (1) of Wild Life Protection Act and Schedule I, Part II-A and Part IV-C and sentenced them to undergo simple imprisonment for three years each and to pay a fine of Rs.10,000/- each, in default, to undergo simple imprisonment for six months each.

6. Challenging the above said conviction and sentence, the petitioners have filed an appeal in Crl.A.No.33 of 2024 on the file of the Principal District and Sessions Court, Ramanathapuram. The learned Sessions Judge, by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal



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of the appeal, the petitioners have preferred the present Criminal Revision Case along with the above miscellaneous petitions.

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7. Admittedly, pending revision, the petitioners surrendered before the trial Court on 05.04.2025 and are in custody till now.

8. The learned counsel appearing for the petitioners would submit that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses. He would further submit that the petitioners have already paid the fine amount.

9. The learned Government Advocate (Criminal Side) appearing for the respondent has filed a counter affidavit raising objections to suspend the sentence and would submit that there are enough materials available on record against the petitioners and hence, he strongly opposed to grant suspension of sentence. He would further submit that the first petitioner is having two previous cases for similar offence and that the second petitioner is not having any previous cases.

10. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

11. The learned counsel appearing for the petitioners pointed out that certain infirmities and inconsistencies in this case and also 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 and as such, this Court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence.

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12. In the result, the Criminal Miscellaneous Petition in Crl.M.P.(MD)No.3794 of 2025 is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:-

(i) The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Thiruvadanai, Ramanathapuram 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 petitioners shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 355 B.N.S.S. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.



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13. Since the petitioners have already surrendered, the petition in CrI.M.P. (MD)No.3795 of 2025 is dismissed.

sd/-
05/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

To

- 1.The Principal District and Sessions Judge, Ramanathapuram
- 2.The Judicial Magistrate,
Thiruvadanai, Ramanathapuram District.
- 3.Do through the Chief Judicial Magistrate,
Ramanathapuram District.
- 4.The Superintendent,Central Prison, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

ORDER IN
CRL MP(MD) Nos.3794 and 3795 of 2025
in
CRL RC(MD) No.371 of 2025
Date :05/06/2025

MK/05.06.2025 6P/6C

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