



CRL RC(MD) No.981 of 2024

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

Pronounced on : 30.04.2025

CORAM

THE HONOURABLE MR JUSTICE K.MURALI SHANKAR

CRL MP(MD) Nos.10840 and 10841 of 2024

in

CRL RC(MD) No.981 of 2024

1.P.S.Mathankumar

2.V.Lalu

(already dismissed as withdrawn as against the second
petitioner vide order dated 04.04.2025)

Petitioners in
both the petitions

Vs

The State of Tamilnadu, represented by
Forest Range Officer,
Kaliyal Range,
Nagercoil,
Kanyakumari District.
(O.R.No.23 of 2003)

Respondent in



CRL RC(MD) No.981 of 2024

both the petitions

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(in both the petitions)

For Petitioners : Mr.R.Ponkarthikeyan, Advocate

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

Prayer in CRL MP(MD).10840 of 2025 :

This Criminal Miscellaneous Petition filed under Section 430(1) B.N.S.S. praying to suspend the sentence of imprisonment imposed by learned Additional Sessions Judge, Kuzhithurai in Crl.A.No.40 of 2012 by confirming the conviction and sentence of imprisonment imposed by the learned Special Court for Forest Offence Cases, Nagercoil, in C.C.No.17 of 2010 by the judgment dated 06.06.2012, and enlarge the petitioner on bail pending disposal of this criminal revision.

Prayer in CRL MP(MD).10841 of 2025 :

This Criminal Miscellaneous Petition filed under Section 528 B.N.S.S. praying to exempt the petitioners from surrender in pursuance to the judgment dated 14.08.2024 by the learned Additional Sessions Judge, Kuzhithurai in Crl.A.No.40 of 2012 by confirming the conviction and sentence of imprisonment imposed by the learned Special Court for Forest Offence Cases, Nagercoil, in C.C.No.17 of 2010 by the judgment dated 06.06.2012.

COMMON ORDER

These Criminal Miscellaneous Petitions have been filed (i) to suspend the sentence of imprisonment imposed on the first petitioner/first accused by the



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learned Special Judge, Special Court for Forest Offence Cases, Nagercoil, in C.C.No.17 of 2010, dated 06.06.2012, which was confirmed by the learned Additional Sessions Judge, Kuzhithurai, in Crl.A.No.40 of 2012, vide judgment dated 14.08.2024, pending disposal of the criminal revision and (ii) to exempt the first petitioner to surrender before the trial Court.

2. The case of the prosecution is that during the search of the accused persons house, the forest officials found furniture and other products made of rosewood such as Almiragh and also pieces of such tree were found and on that basis, FIR came to be registered in O.R.No.23 of 2003.

3. The respondent police, after completing the investigation, has filed the final report against the two persons including the first petitioner and the case was taken on file in C.C.No.17 of 2010 on the file of the Special Court for Forest Offence Cases, Nagercoil.

4. During trial, the prosecution has examined 6 witnesses as P.W.1 to P.W.6 and exhibited 2 documents as Ex.P.1 and Ex.P.2. The accused have adduced neither oral nor documentary evidence.



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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 06.06.2012 convicting the first petitioner for the offences under Section 5 Sub Section 40(5) and Sub Section (A) 2(E), Sections 35 and 36 of Tamil Nadu Forest Act, 1882 and Section 6 of Teakwood Protection Act (Act 1 of 1995) and sentenced him to undergo 2 years Rigorous Imprisonment each and to pay a fine of Rs.7,500/- each, in default, to undergo 6 months Simple Imprisonment. Challenging the said judgment of conviction and sentence, the first petitioner has preferred an appeal in Crl.A.No.40 of 2012 on the file of the Additional Sessions Court, Kuzhithurai. The learned Sessions Judge, by confirming the conviction and sentence, dismissed the appeal. Being dissatisfied with the dismissal of the appeal, the first petitioner along with the second accused preferred the present Criminal Revision Case along with the above miscellaneous petitions.

6. Admittedly, pending revision, the first petitioner surrendered before the trial Court on 28.03.2025 and is in custody till now.

7. The learned counsel appearing for the petitioners would submit that there



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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 first petitioner has already paid the fine amount.

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8. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the first petitioner and hence, he strongly opposed to grant suspension of sentence. But he would admit that the first petitioner is not having any previous cases.

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

10. The learned counsel appearing for the first petitioner 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 first petitioner herein is entitled to the relief of grant of suspension of sentence.



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11. In the result, the Criminal Miscellaneous Petition in Crl.M.P.(MD)No.10840 of 2025 is ordered. Accordingly, the relief of suspension of sentence and bail is granted to the first petitioner on the following conditions:-

(i) The first 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 Special Court for Forest Offence Cases, Nagercoil;

(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 first petitioner 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 he is not able to appear before the trial Court on any day, he 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 his absence, as directed by the trial Court.



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12. Since the first petitioner has already surrendered, the petition in Crl.M.P.
(MD)No.10841 of 2025 is dismissed.

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sd/-
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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

TO

1.THE ADDITIONAL SESSIONS JUDGE,
KUZHITHURAI.

2.THE SPECIAL JUDGE,
SPECIAL COURT FOR FOREST OFFENCE CASES,
NAGERCOIL.

3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

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



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ORDER
IN
CRL MP(MD) No.10840 of 2024
Date :30/04/2025

PR/30.04 .2025 8P/6C

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