



CrI.OP.No.4659 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.OP.No.4659 of 2026

in

CrI.A.SR.No.95398 of 2025

State through:

The Additional Superintendent of Police,
CBI:STB, Chennai.

...Petitioner

Vs.

1. M.Sathishkumar

2. M.Jayakumar

3. A.Ravichandran

...Respondents

Criminal Original Petition filed under Section 378(4) of Cr.P.C. r/w. 419(4) of BNSS, seeking to grant leave to file a criminal appeal against the acquittal judgment dated 19.06.2025 made in C.C.No.669 of 2023 on the file of the Chief Judicial Magistrate Court, Chengalpattu.

For Petitioner : Mr.K.Srinivasan, Spl.PP

For Respondents : No Appearance



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ORDER

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This criminal original petition has been seeking to grant leave to the petitioner-State to prefer an appeal as against the judgment of acquittal dated 19.06.2025 passed by the Chief Judicial Magistrate, Chengalpattu in C.C.No.669 of 2023.

2. The brief facts necessary for disposal of this case are as follows:

2.1 The case of the prosecution is that on a secret intelligence input gathered on 13.12.2022 that a team of accused are in unauthorised possession of elephant tusk, on the said date at about 05.00 pm, the forest officers of Vellore Forest range, intercepted a Maruti Celerio Car bearing Regn.No.TN-07-CM-8262 and seized one elephant tusk measuring about 135 cms. from A1 & A2, viz., M.Satheesh Kumar & M.Jayakumar respectively and the accused persons were remanded to judicial custody and A3 namely A.Ravichandran surrendered before the Court on 21.12.2022.

2.2 Pursuant thereto, a case in Crime No.RC.2/S/2023 was registered by CBI, SCB, Chennai as a part of the Special Investigation Team (in short 'SIT') constituted by this Court and the case was re-registered by CBI/SCB/SIT, Chennai on 06.06.2023 by taking over the investigation of the

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Tamil Nadu Forest Department, Kothagiri Forest Division in Crime

No.WLOR 13/2022 dated 13.12.2022.

2.3 Upon investigation, it was found that the said elephant tusk was found by A3, the 3rd respondent herein and he handed it over to the other accused for selling the same. Consequently, based on the evidence gathered, the final report was filed before the learned Chief Judicial Magistrate, Chengalpattu, for the offences under Sections 120B of IPC r/w. Sections 39(1)(b), 39(2), 39(3), 40(1), 40(2), 49 and 52 r/w. 51 of the Wild Life (Protection) Act, 1972 and the same was taken on file in C.C.No.669 of 2023. However, the trial Court, vide judgment dated 19.06.2025, acquitted all the accused. Aggrieved by the same, the petitioner-State has preferred the present petition seeking permission to file an appeal against the acquittal judgment.

3. Learned Special Public Prosecutor appearing for the petitioner submitted that though the prosecution, by adducing cogent evidence, had proved that the accused persons were in illegal possession of an elephant tusk, merely because there were certain discrepancies such as the Forest officials have not taken photo/video of the seizure and the arrival of VAO



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and that the exact place of car was not mentioned, etc., the trial court had acquitted all the accused from the above charges, which is not sustainable.

He further relied on Section 57 of the Wildlife (Protection) Act, to establish a rebuttable presumption of unlawful possession, which the trial court had miserably failed to consider. He also submitted that the petitioner has got a good case on merits and that there are arguable points available in the criminal appeal and the petitioner/appellant has a fair chance of succeeding in the appeal. Accordingly, he prayed for allowing this petition.

4. This Court gave its careful consideration to the arguments advanced by the learned counsel for the petitioner and perused the materials available on record.

5. Though notice has been served and Mr.T.I.Ramanathan, learned counsel, entered appearance on behalf of the respondents, there is no representation on behalf of the respondents today. Hence, this Court is inclined to dispose of this petition based on the materials available on record.



6. For better appreciation of the issue, Section 57 of the Wildlife (Protection) Act relied on by the learned Special Public Prosecutor is extracted hereunder:

“Presumption to be made in certain cases. – Where, in any prosecution for one offence against this Act, it is established that a person is in possession, custody or control of any captive animal, animal article, meat, trophy, uncured, trophy, specified plant, or part or derivative thereof, it shall be presumed until the contrary is proved, the burden of proving which shall lie on the accused, that such person is in unlawful possession, custody or control of such captive animal, animal article, meat, trophy, uncured trophy specified plant, or part or derivative thereof.”

7. On a perusal of the above Section, it is clear that there is a statutory presumption available under Section 57 of the Act and that once the possession, custody or control of any captive animal, animal article, meat or trophy is established, the burden shifts upon the accused to satisfactorily account for the same.

8. In the case on hand, it is the case of the prosecution that an elephant tusk measuring about 135 cms. has been recovered from the accused



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persons. In such circumstances, the presumption under Section 57 *ibid.*, comes into play. However, the trial court, without advertent to the above statutory presumption, acquitted the accused persons from all the above charges.

9. In view of the above, this Court is satisfied that there are arguable points available which have to be determined in the appeal stage and therefore, this petition stands allowed and leave is granted to the petitioner to prefer an appeal.

10. Registry is directed to number the Criminal Appeal, if the papers are otherwise in order and list the same for admission in due course.

18.03.2026

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NCC : Yes/No



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To:

1. The Chief Judicial Magistrate,
Chengalpattu.
2. The Additional Superintendent of Police,
CBI:STB: Chennai.
3. The Public Prosecutor,
Madras High Court.



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