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CRL RC No. 727 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 25-06-2026

ORDERS PRONOUNCED ON : 02-07-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL RC No. 727 of 2026

AND

CRL MP NO. 5556 OF 2026

S.R.Parthiban
Ex Member of Parliament Salem Constituency,
S/o C.Rajamanikam,
Residing at MDS Nagar,
Hasthampatty,
Salem.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Mecheri Police Station,
Salem District.
Crime No.265 of 2019

..Respondent(s)

PRAYER: Criminal Revision Petition has been filed under Section 438 r/w 442 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) Act, 2023, praying to set aside the order dated 27.01.2026 in CMP.No.567 of 2024 in SC.No.311 of 2023 on the file of the Principal Sessions Judge, Salem and thereby allowing the Present Criminal Revision Petition.

For Petitioner(s): Mr.L.Infant Dinesh for
Mr.K.S.Karthik Raja

For Respondent(s): Mr.Arun Anbumani
Government Advocate (Crl. Side)



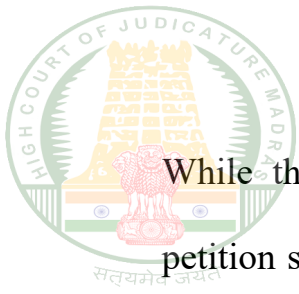
Order

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This Criminal Revision Case is directed against the order dated 27.01.2026 passed in C.M.P. No.567 of 2024 in S.C. No.311 of 2023 by the learned Principal Sessions Judge, Salem, whereby the petition filed by the petitioner seeking discharge from all the charges was dismissed.

2.The petitioner is arrayed as the first accused in S.C. No.311 of 2023 for the offences under Sections 379, 403 and 447 of IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, alleging that the petitioner and others had trespassed into the forest land and laid a road through the forest land to access their land. They cut down trees and also encroached upon the forest land in Periyasathapadi Village, Mettur Taluk, Salem District. When the same was questioned by the second respondent, he was threatened with dire consequences.

3.On the complaint lodged by the de facto complainant, the first respondent registered an FIR in Crime No.265 of 2019 for the offences punishable under Sections 353, 379, 447 and 506(ii) of IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. After completion of the investigation, the respondent police filed the final report before the learned Principal Sessions Judge, Salem, in S.C. No.311 of 2023.



While the case was pending for framing of charges, the petitioner filed a petition seeking discharge from all the charges, which came to be dismissed by the trial Court. Hence, the present Criminal Revision Case.

4.The learned counsel for the petitioner submitted that the petitioner is arrayed as the first accused. Even according to the prosecution, no offence is made out against the petitioner. There is no material available on record to substantiate the charges. No witness has spoken about any overt act committed by the petitioner.

5.The case of the prosecution is that on 18.06.2019, at about 10.00 a.m., when the Forest Officials inspected the forest land comprised in Survey No.66/15 situated at Vedankaradu Thittu, Periyasathapadi Post, Mecheri, Mettur Taluk, Salem District, they found a check post containing a phone number. They immediately called the said phone number, and the call was attended by the fourth accused, who stated that the said land belonged to the first accused and that no one could enter the land without the permission of the first accused. He also threatened them with dire consequences.

6.It is further alleged that, in January 2013, accused Nos.1 to 3, in order to reach their land, made an access road through the forest land comprised in Survey No.66/15, by cutting trees over a width of 30 feet. They allegedly cut

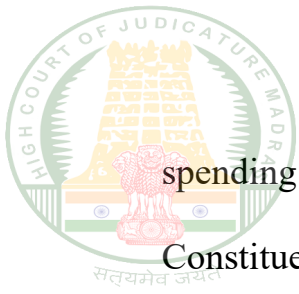


down 888 trees worth about Rs.4,52,720/- and stole the trees for their personal gain. It is further alleged that accused Nos.1 to 4 also removed trees and

minerals worth about Rs.12,84,566/- and caused damage to the forest land.

Therefore, the petitioner has been charged with the offences under Sections 353, 379, 447 and 506(ii) IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

7.The learned counsel for the petitioner further submitted that, even according to the prosecution, the petitioner never owned any land adjacent to the forest land comprised in Survey No.66/15. Further, the petitioner was not present at the scene of occurrence. The fourth accused threatened the de facto complainant by using the name of the petitioner, since he was a sitting Member of Parliament at the relevant point of time. In the very same complaint, it is alleged that in January 2013, i.e., six years prior to the occurrence, the accused trespassed into the forest land comprised in Survey No.66/15 by laying a road after cutting down trees worth about Rs.4,52,720/- and also removed minerals worth about Rs.12,84,566/-. The petitioner never owned any land adjacent to the forest land so as to require an access road. Even according to the prosecution, accused Nos.2 and 3 alone owned lands adjacent to the forest land. Moreover, the allegation was made after a lapse of six years. No one had noticed the road allegedly laid by the accused. The petitioner is also charged under Section 403 IPC on the allegation that he installed a solar light by



spending a sum of Rs.38,397/- from the Member of Legislative Assembly Constituency Development Fund during 2015-2016. Therefore, no charge is made out against the petitioner.

8.Per contra, the learned Government Advocate (Crl. Side) submitted that admittedly, the petitioner was a Member of Parliament, at the time of the alleged occurrence i.e. on 18.06.2019. In the year 2013, he was a Member of the Legislative Assembly. Though, he did not own any land adjacent to the forest, accused Nos.2 and 3 are his brother and friend. Therefore, by misusing his influence, the accused trespassed into the forest land and laid a road by cutting valuable trees and removing valuable minerals. There are witnesses who have specifically spoken about the overtacts of the petitioner. Therefore, there are sufficient materials available to frame charges under Sections 379, 403 and 447 IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

9.He further submitted that the Sub-Registrar has categorically stated, in his statement recorded under Section 161(3) Cr.P.C., that accused Nos.2 and 3 owned land adjacent to the forest land comprised in Survey No.66/15. Therefore, the trial Court rightly dismissed the petition, and the same does not warrant interference of this Court.

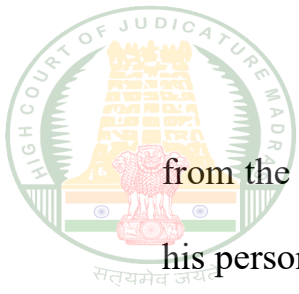


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10. There are totally six accused in this case, and the petitioner is arrayed as the first accused. After completion of the investigation, the respondent police filed the final report for the offences under Sections 353, 379, 447, 506(ii), 403 and 176 read with Section 109 IPC and Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

11. According to the prosecution, the alleged occurrence took place on 18.06.2019, when the de facto complainant and other Forest Officials inspected the forest land comprised in Survey No.66/15 situated at Vedankaradu Thittu, Periyasathapadi Post, Mecheri, Mettur Taluk, Salem District. They found a check post containing a phone number. When they called the said number, the call was attended by the fourth accused, who threatened them by using the name of the petitioner and warned them with dire consequences, to not enter the land.

12. It is further alleged that in January 2013, i.e., six years prior to the alleged occurrence, the petitioner and the other accused laid a road through the forest land comprised in Survey No.66/15 by cutting down valuable trees and removing minerals. They allegedly took away the trees and minerals, sold them to third parties, and gained Rs.4,52,720/- and Rs.12,84,566/- respectively. It is also alleged that the petitioner installed a solar light at a cost of Rs.38,397/-



from the Member of Legislative Assembly Constituency Development Fund for his personal use in the forest land comprised in Survey No.66/15.

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13. Accused Nos.2 and 3 owned agricultural land adjacent to the forest land. In fact, the said land had already been sold by accused Nos.2 and 3 in favour of one Loganathan and Arulmozhi under a registered sale deed dated 23.05.2019, prior to the alleged occurrence dated 18.06.2019. The purchasers have been in possession and enjoyment of the said land from the date of their purchase.

14. The specific case of the prosecution is that on 18.06.2019, the de facto complainant and other Forest Officials visited the forest land and found a check post containing a phone number. When they called the said number, the fourth accused answered the call and, by using the petitioner's name, threatened them with dire consequences. It is also alleged that, in January 2013, the accused laid a road through the forest land by cutting down trees and removing minerals.

15. Only on the date of the complaint, i.e., 18.06.2019, did the complainant allege that in January, 2013, the accused had cut down trees and laid the road. This would indicate that the Forest Officials had not inspected the forest land comprised in Survey No.66/15 for nearly six years. If that is so, it is unclear as to how the prosecution arrived at the specific figure of 888 trees



allegedly cut down by the accused. The prosecution has also specified the species of the trees and their value. Likewise, the prosecution has assessed the value of the minerals allegedly removed by the accused.

16. Even according to the prosecution, there was no recovery of cash, and no witness has spoken about the actual cutting of the trees or the valuation thereof. Therefore, the entire charge is without the semblance of any oral or documentary evidence. The prosecution filed the final report without any supporting evidence. When prosecuting the accused, the prosecution must rely upon sufficient oral and documentary evidence.

17. Admittedly, the petitioner never owned any land adjacent to the forest land. Some witnesses have stated that the petitioner constructed his office on the land owned by accused Nos. 2 and 3. However, on a perusal of the registered sale deed executed in favour of one Loganathan and Arulmozhi, it does not disclose the existence of any such construction. The property is described only as agricultural land.

18. There is absolutely no explanation for the belated allegation made after a lapse of six years. In the complaint dated 18.06.2019, the complainant alleged encroachment upon the forest land and the laying of a road to access the accused's land by cutting valuable trees and removing minerals. The allegations



against the petitioner were made after six years, without any substantive material to support them. The prosecution has also failed to produce any evidence regarding the alleged illegal gain obtained by the accused through the sale of trees and minerals or the damage allegedly caused to the forest land so as to substantiate the charge under the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992.

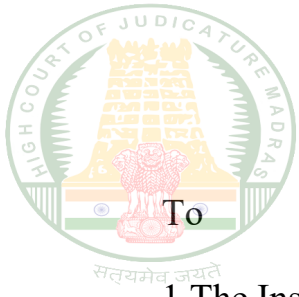
19. Therefore, no charge is made out against the petitioner on the basis of the oral and documentary evidence produced by the prosecution. Hence, the petitioner is discharged from all the charges, and the order dated 27.01.2026 passed in C.M.P.No.567 of 2024 in S.C. No.311 of 2023 by the learned Principal Sessions Judge, Salem, is hereby set aside.

20. Accordingly, this Criminal Revision Case is allowed. Consequently, the connected miscellaneous petition is closed.

02-07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

AH



1.The Inspector of Police
Mecheri Police Station,
Salem District.

2.The Principal Sessions Judge,
Salem.

3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN J.

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**PRE-DELIVERY ORDER IN
CRL RC No. 727 of 2026
AND
CRL MP NO. 5556 OF 2026**

02-07-2026