



Crl.RC.No.939 of 2021

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G.K.ILANTHIRAIYAN, J.

Today this matter has been posted under the caption “for being mentioned”.

2. Heard, the learned counsel appearing on either side.

3. On hearing the submissions of the learned counsel appearing on either side, it is ordered that in the seventh line of the ninth paragraph of the order passed by this Court in Crl.RC.No.939 of 2021 dated 27.03.2026, the words “*on or before 24.04.2026*” shall read as “*on or before 08.05.2026*”.

4. It is further ordered that in the eighth line of the third paragraph of the order passed by this Court in Crl.RC.No.939 of 2021 dated 27.03.2026, the words “*two months*” shall read as “*two years*”.

5. Accordingly, the Registry is directed to issue a fresh order copy in Crl.RC.No.939 of 2021 dated 27.03.2026 after making necessary corrections.

28.04.2026

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Note: Issue order copy on 28.04.2026



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28.04.2026



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No.939 of 2021

Rangaraj
S/o.Neelakandan,
Hullical Post,
Coonoor,
The Nilgiris.

..Petitioner(s)

Vs

The State Rep. By
Forest Range Officer,
Coonoor Forest Range,
in O.R.No.1 of 2000

..Respondent(s)

PRAYER: Criminal Revision has been filed under Section 397 r/w Section 401 of Cr.P.C., praying to set aside the judgment of convictions and sentences passed against him and acquit him in C.A.No.58 of 2015 on the file of the learned Sessions Judge, Magalir Needhimandram (Fast Track Mahila Court) Udthagamandalam at Nilgiris and confirmed in C.C.No.84 of 2000 on the file of the learned Judicial Magistrate, Coonoor.

For Petitioner(s):
Mr.K.V.Sridharan

For Respondent(s):
Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

This Criminal Revision has been preferred as against the judgement dated



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11.12.2020, passed by the learned Sessions Judge, Magalir Needhimandram (Fast Track Mahila Court) Udthagamandalam at Nilgiris, in C.A.No.58 of 2015, thereby confirming the order passed by the learned Judicial Magistrate, Coonoor, in C.C.No.84 of 2000, dated 05.08.2015, thereby convicting the petitioner for the offence punishable under Section 35 of the Tamil Nadu Forest Act, 1882 (hereinafter referred to as "the Forest Act") and Section 4 of the Tamil Nadu Rosewood Trees (Conservation) Act, 1994 (hereinafter referred to as "the Rosewood Act").

2. There are totally two accused in which the petitioner is arrayed as first accused. The case of the prosecution is that on 28.06.2000, the accused were caught redhanded while they were deloading 15 pieces of rosewood trees transported through lorry bearing registration No.TMJ8755 within the precincts of Drook Reserve Forest land within the limits of Pillur Division of Coonoor Forest Range. The first accused viz., the petitioner herein is the purchaser of the rosewood pieces and second accused is the owner of the lorry. On their confession statement, the respondent registered the case and after completion of investigation, they filed final report and the same has been taken cognizance by the Trial Court in C.C. No.84 of 2000.

3. In order to prove the prosecution, the respondent examined P.W.1 to P.W.4 and marked documents in Ex.P.1 to Ex.P.7. The respondent also produced material objects in M.O.1 & M.O.2. On the side of the accused, no one was examined as witness and no documents were marked to disprove the case of the prosecution. On perusal of the oral and documentary evidences, the

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Trial Court found the accused guilty for the offence under Section 35 of the Forest Act and Section 4 of the Rosewood Act and sentenced them to undergo imprisonment of two months rigorous imprisonment and impose a fine of Rs.7,500/- in default to undergo three months simple imprisonment. Aggrieved by the same, both the accused preferred an appeal and the same was also dismissed by confirming the order passed by the Trial Court. Hence, the petitioner filed the present Revision Case.

4. The learned counsel appearing for the petitioner submits that the accused were acquitted from the charge under Section 3 of the Rosewood Act. Therefore, they cannot be convicted for the offence punishable under Section 4 of the Rosewood Act. He further submits that Section 12 of the Rosewood Act provides to over-ride other laws, contract etc., notwithstanding anything inconsistent therewith in the Rosewood Act. Therefore, the provision under Section 55 of the Forest Act is very much applicable to the petitioner to compound the offence by paying the value of the goods as compensation.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. On perusal of the records and on the submission made by the learned counsel appearing on either side, it is revealed that the petitioner was in possession of 15 pieces of rosewood tree and he was caught red handed. The respondent seized the said rosewood and it is a scheduled timber as per Section 21(e) of the Forest Act. Therefore, the petitioner and other accused person had



committed the offence under Sections 3 & 4 of the Rosewood Act. However, the prosecution failed to prove that the accused had cut the trees and as such, the accused were acquitted from the charge under Section 3 of the Rosewood Act.

4. Further, there is absolutely no bar to convict the accused for the offence under Section 4 of the Rosewood Act, though they were acquitted under Section 3 of the Rosewood Act. It is relevant to rely upon the provision under Sections 3 & 4 of the Act as follows :-

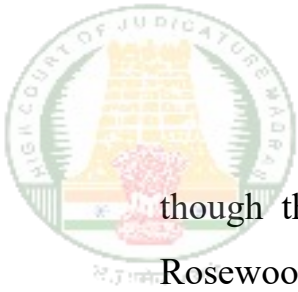
3. Prohibition of cutting, etc., of rosewood tree. -

Notwithstanding anything contained in any law for the time being in force or in any custom or usage, or in any judgment, decree or order of any Court or other authority, no person shall cut, fell, girdle, lop, tap, uproot or bum or otherwise damage any rosewood tree in any forest or do any act likely to endanger its existence or result in the extinction of its species:

Provided that dead or fallen rosewood tree may be removed with the permission of the prescribed authority in accordance with such rules as may be prescribed.

4. Prohibition of transport, sale or possession of rosewood tree. - No person shall transport, sell or have in his possession, any quantity of rosewood tree which was procured in contravention of the provisions of section 3.

Therefore, the accused can be convicted under Section 4 of the Rosewood Act,
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though the accused were acquitted from the charge under Section 3 of the Rosewood Act.

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5. Admittedly, the petitioner was in possession of 15 pieces of rosewood tree and it is an offence under Section 4 of the Rosewood Act. Therefore, the first limb of the argument that when the accused were acquitted from the offence under Section 3 of the Rosewood Act, they cannot be convicted under Section 4 of the Rosewood Act cannot be countenanced.

6. Insofar as the application of the provision under Section 55 of the Forest Act is concerned, it is relevant to extract the above provision as follows :-

□55. *Power to compound offences:-*

(1) Any Forest-officer specially empowered in this behalf may accept, from any person reasonably suspected of having committed any forest-offence other than an offence under section 50 or 1 [section 52] a sum of money by way of compensation for the offence which may have been committed, and, where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.



(3) Noting contained in sub-section (1) and (2) shall apply to any offence in respect of -

(a) any sandalwood, where the weight of such sandalwood involved in such offence is more than one hundred below grams; and

(b) any scheduled timber (other than sandalwood) where the value of such scheduled timber involved in such offence is more than ten thousand rupees; □

7. It is also relevant to extract the provision under Section 12 of the Rosewood Act as follows:-

□ Section 12 - Act to over-ride other laws, contracts, etc.:-

The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom, usage or contract or judgment, decree or order of a Court or other authority. □

Thus the provision under Section 55 of the Forest Act is applicable to the case on hand, since there is an inconsistency in the Rosewood Act insofar as the compounding of offence is concerned. Though the provision under Section 6 of the Rosewood Act provides that the punishment shall not be less than two years, Section 55 of the Forest Act overrides the provision of the Rosewood Act. Therefore, the offence committed by the petitioner under the Rosewood Act can be compoundable under the Forest Act.



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8. The learned counsel appearing for the petitioner submitted that the petitioner is ready and willing to compound the offence by payment of the amount as fixed by this Court. He also submitted that the petitioner is also ready to take back the seized rosewood tree. On instruction, the learned Government Advocate (Crl. Side) appearing for the respondent submitted that the value of the seized goods is Rs.50,000/-.

9. Considering the above facts and circumstances, the conviction imposed on the petitioner by the Courts below under Section 35 of the Forest Act and Section 4 of the Rosewood Act are hereby confirmed. However, this Court is inclined to modify the sentence by compounding the offence, on condition that the petitioner shall pay a sum of Rs.50,000/- (Rupees fifty thousand only) as compensation in favour of the District Forest Officer, the Nilgiris at Udthagamandalam, on or before 24.04.2026 failing which, the sentence imposed by the Trial Court shall automatically stand restored. The respondent is directed to secure the petitioner to undergo the remaining period of sentence as imposed by the Trial Court as confirmed by the lower Appellate Court. It is also made clear that the petitioner is at liberty to take the goods on payment of today's market value of the goods as fixed by the respondent as provided under Section 55 of the Forest Act.

10. Accordingly, the Criminal Revision Case stands partly allowed.

27.03.2026

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Neutral Citation : Yes/No
Speaking/Non Speaking order
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To

1. The Sessions Judge,
Magalir Needhimandram
(Fast Track Mahila Court)
Udhagamandalam at Nilgiris,
2. The Judicial Magistrate,
Coonoor.
3. The District Forest Officer,
The Nilgiris at Udhagamandalam.
4. The Forest Range Officer,
Coonoor Forest Range,
The Nilgiris at Udhagamandalam.
5. The Public Prosecutor,
Madras High Court,
Chennai.

G.K.ILANTHIRAIYAN. J,

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