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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2026

CORAM

THE HON'BLE MR.JUSTICE SHAMIM AHMED

CRL MP No. 20788 of 2026
IN
CRL RC NO. 2456 OF 2026

Babu
S/o Balasubramaniam,
No.5/1, Sambanthar Street,
Semmedu,Coimbatore District.

..Petitioner(s)

Vs

State Rep by The Forest Range Officer
Poluvampatti Range,
Irruttupallam,
Coimbatore District.
WLOR No 1 of 2013

..Respondent(s)

Prayer: To Suspend the sentence imposed in dated 15-9-2026 made in C.A. No. 14 of 2024 on the file of IV Additional Session Judge, Coimbatore and confirming the Judgment and conviction dated 18-12-2023 made in CC No. 155 of 2016 on the file of Judicial Magistrate No.V, Coimbatore and thus render justice.

For Petitioner(s): Mr.C.S.Saravanan

For Respondent(s): Mr.M.Dinesh, Government Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the Petitioner/Accused, praying to suspend the sentence imposed on him in C.A. No.14 of 2024, dated 15.09.2026, by the IV Additional Sessions Judge,

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Coimbatore, confirming the judgment of conviction and sentence, dated 18.12.2023, made in C.C. No.155 of 2016, by the Judicial Magistrate No.V, Coimbatore, pending disposal of the above Criminal Revision Case.

2.By the judgment of conviction and sentence passed by the Trial Court, the petitioner was convicted for the offence punishable under Section 9 read with Section 51 of the Wild Life (Protection) Act, 1972, and sentenced to undergo Simple Imprisonment for a period of three years and to pay a fine of Rs.10,000/-, in default, to undergo Simple Imprisonment for a further period of one month. The said judgment of conviction and sentence was confirmed by the lower Appellate Court, by its judgment dated 15.09.2026. It is submitted that the petitioner is not presently in jail.

3.Challenging the above judgment of conviction and sentence passed by the Courts below, the petitioner has filed the above Criminal Revision Case along with the instant Criminal Miscellaneous Petition, seeking suspension of sentence and bail pending disposal of the Criminal Revision.

4.This Court heard Mr. M. Rajkumar, learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent and considered their submissions and also perused the materials placed before this Court.

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5.The learned counsel for the petitioner submitted that the prosecution case arose out of the alleged death of a male elephant, whose carcass was found on 11.02.2023 at about 6.00 a.m. in the agricultural land belonging to the petitioner's father, namely, Late Balasubramaniam, situated at Semmedu Village, in Survey No.18. It is alleged by the prosecution that the elephant died due to an electric fence erected by the petitioner's father. Based on the said occurrence, a case was registered and subsequently, a complaint was filed for the offence punishable under Section 9 read with Section 51 of the Wild Life (Protection) Act, 1972.

6.It is further submitted by the learned counsel for the petitioner that the Courts below failed to appreciate that there was no direct evidence or eyewitness to establish the allegations against the petitioner. It is also contended that the Courts below had relied upon certain documents which were not duly marked through competent witnesses and that the petitioner was not afforded an effective opportunity to challenge the veracity and admissibility of those documents. It is further contended that the Courts below failed to consider that the presumption against the petitioner could not have been drawn on the basis of bald and vague allegations.

7.The learned counsel for the petitioner further submitted that the petitioner was unable to appear before the Appellate Court on 15.09.2026, when

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the judgment was pronounced, as he was suffering from severe illness. It is also submitted that, immediately after registration of the case, the petitioner had approached this Court by filing a petition seeking anticipatory bail in Crl.O.P. No.4809 of 2013, and the same was allowed by this Court on 12.03.2013. It is further submitted that, after the conviction by the Trial Court, the petitioner preferred an appeal and was granted interim suspension of sentence for a period of one month by the Appellate Court.

8.The learned counsel for the petitioner submitted that the petitioner has raised substantial grounds in the Criminal Revision Case, which require detailed consideration by this Court. It is further submitted that the petitioner is not in jail and that this is the first application seeking suspension of sentence before this Court. The petitioner undertakes to abide by any condition that may be imposed by this Court and to cooperate with the proceedings in the Criminal Revision Case. Hence, the learned counsel prayed for suspension of sentence and grant of bail pending disposal of the Criminal Revision Case.

9.The learned Government Advocate (Criminal Side) appearing for the respondent opposed the relief sought by the petitioner and submitted that the judgments passed by the Courts below are based on the evidence and materials available on record and that there is no ground to grant suspension of sentence at this stage.

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10.Considering the submissions advanced by the learned counsel for the petitioner as well as the learned Government Advocate (Criminal Side) for the respondent, this Court is of the view that the petitioner has raised certain arguable grounds in the Criminal Revision Case, particularly with regard to the appreciation of the documentary evidence and the absence of direct evidence connecting the petitioner with the alleged offence. These aspects require a detailed examination at the time of final hearing of the Criminal Revision Case. This Court also takes note of the fact that the petitioner was granted anticipatory bail during the investigation and was also granted interim suspension of sentence by the Appellate Court for a period of one month.

11.Further, it is to be noted that the petitioner is not presently in jail and that the Criminal Revision Case is not likely to be taken up for final hearing in the near future. Considering the nature of the grounds raised in the Criminal Revision Case and the fact that the petitioner has been on bail during the earlier stages of the proceedings, this Court is of the view that the petitioner has made out a case for suspension of sentence. Accordingly, this Court is inclined to grant the relief sought for, subject to appropriate conditions.

12.Accordingly, pending disposal of the Criminal Revision Case, the sentence imposed on the petitioner is suspended and the petitioner is enlarged

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on bail on the following conditions:-

i. The petitioner shall surrender before the Judicial Magistrate No.V, Coimbatore, within a period of three weeks from the date of receipt of a copy of this order and, on such surrender, the petitioner shall be released on bail, on his executing a personal bond for a sum of Rs.15,000/- (Rupees fifteen thousand only), with two sureties, each for a like sum, to the satisfaction of the learned Judicial Magistrate No.V, Coimbatore, subject to furnishing an undertaking that he will cooperate with the hearing of the present Criminal Revision Case.

ii. The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the bond, and the above said Court may obtain a copy of their Aadhaar Card or Bank Passbook to ensure their identity.

iii. The realization of fine amount, if any, shall also remain suspended during the pendency of the present Criminal Revision Case.

iv. The petitioner shall appear before the Judicial Magistrate No.V, Coimbatore, once in every month, i.e., on the 3rd day of every month at 10.30 a.m., commencing from the month following his release on bail, until further orders.

v. On acceptance of the bail bonds and sureties, the Trial Court shall transmit photostat copies thereof to this Court for being kept on the records of this

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Criminal Revision Case.

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13.With the above directions, this Criminal Miscellaneous Petition is **allowed**.

05-11-2026

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

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to

1.The Forest Range Officer
Poluvampatti Range,
Irruttupallam,
Coimbatore District.

2.The IV Additional Session Judge, Coimbatore.

3.The Judicial Magistrate No.V, Coimbatore.

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SHAMIM AHMED, J.

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