

Date of filing	:	27.09.2019	Date of Judgment	:	24.04.2026
Date of Registration	:	27.09.2019	Trial Period	:	6 years 6 Months 27 Days

IN this Court OF THE JUDICIAL MAGISTRATE No.1, METTUR.

PRESENT: N. Gopalakrishnan B.Sc., B.L., Judicial Magistrate No.1,Mettur.

Friday, 24th day of April 2026

C.C. No. 180 of 2019

CNR No. TNSA1800-1675-2019

State represented by the Forest Range Officer, Mettur
Forest Office in **W.L.O.R. No. 1 of 2012, Section 9(1),
39(1)(2), 40(2), 50 and 51 of Wildlife (Protection) Act. ...Complainant**

-Vs-

Vellaiyan@Sundarraaj (54) S/o Appusamy
Unjakorai, Settippatti Village, Govindapady Post,
Mettur Taluk, Salem District.

...Accused

CASE SUMMARY

1. The period of remand of the accused; : 12.11.2012 to 26.11.2012
2. The date of filing of the complaint/final report in this Court; : 27.09.2019
3. The date of committal of the case to this Court of Session : Not applicable
4. The date of questioning of the accused under Sections 228, 240, 246 and 251 of the Code (or) Section 251,263,269 and 274 of B.N.S.S. as the case may be; : 06.12.2019

5. Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts, except routine petitions like petitions under section 317 of the Code / 355 of B.N.S.S, etc; : 1) CMP.5372/2012 date : 16.11.2012 Filed Bail application u/s.437 Cr.P.C. Allowed.
2) CMP.4228/2022 date : 18.10.2022 Filed Surrender petition
3) CMP.4229/2025 date : 18.10.2022 Filed petition u/s.70(2) of Crpc Allowed.
4) MP.1/2025 date : 25.07.2025 Filed petition u/s.311 of Crpc Allowed.
6. Date of examination-in-chief and cross-examination of a witness; : Chief Examination Cross-Examination
- | | | |
|------|------------|------------|
| PW.1 | 17.12.2024 | 10.10.2025 |
| PW.2 | 17.02.2025 | 09.09.2025 |
| PW.3 | 17.03.2025 | 16.02.2026 |
| PW.4 | 26.03.2025 | 02.02.2026 |
| PW.5 | 15.04.2025 | 23.03.2026 |
| PW.6 | 11.07.2025 | 16.11.2026 |
| PW.7 | 09.08.2025 | 01.11.2025 |
7. Date of examination of the accused under section 313 of the Code / section 351 of B.N.S.S. ; : 14.08.2025
8. Details of absconding of an accused and his appearance/production, as the case may be; : Nil
9. Grant of stay by superior Courts and the results thereof; and : Nil
10. Details of victim compensation ordered. : Nil

This calendar case came before this Court on 21.04.2026 for hearing the learned **Assistant Public Prosecutor Mr. V.Shanmugasundaram** for the prosecution and the learned advocate **Mr.G. Ramachandran** for the accused,

and on perusal of available materials, having stood to this day for consideration, this Court delivers the following:

JUDGMENT

This is a criminal case instituted by the Forest Range Officer, Mettur, against the accused for the alleged illegal hunting of **a Monitor Lizard**, a protected species under the Wildlife (Protection) Act, 1972. The incident is stated to have occurred on November 11, 2012, at approximately 08:00 PM near the Chinnakaval Mariamman Temple forest area, following which a final report was filed on July 8, 2014. The accused stands charged for offences punishable under **Section 21(d) and (h) of the Tamil Nadu Forest Act, 1882, in conjunction with Sections 2(16), 9(1), 39(1), 40(2), 50 and 51 of the Wildlife (Protection) Act, 1972.**

A. COGNIZANCE

1. In view of these alleged infractions, the prosecution initiated the present proceedings by preferring a private complaint under Section 200 of the Code of Criminal Procedure on August 26, 2019 and this Court taken cognizance of the offences under section **Section 21(d) and (h) of the Tamil Nadu Forest Act, 1882, in conjunction with Sections 2(16), 9(1),**

39(1), 40(2), 50 and 51 of the Wildlife (Protection) Act, 1972 on 26.08.2019.

2. On the appearance of the accused, this court ordered to examine the prosecution side witnesses and examined as **PW1 to PW7** marked and **Exhibit P1 to P9** marked.
3. **The case of the prosecution, as per the prosecution witnesses:** The case of the prosecution is that on November 11, 2012, a joint patrol was organised in the Mettur forest range. A combined team consisting of Forest Department officials—including Foresters P.W.1 (Nallasivam) and P.W.2 (Kuppusamy)—and a Special Task Force (STF) contingent led by Sub-Inspector P.W.3 (Selvasuresh Britto) conducted a strategic "Ambush" operation near the Chinnakaval Mariamman Temple. Around 08:00 PM, the team observed the accused, Sundaraj (alias Vellaiyan), emerging from the dense forest of the Kurumbanur North Beat. Upon being intercepted and surrounded, the accused was found in possession of a dead Monitor Lizard weighing approximately 3 kilograms, a billhook used for clearing brush or slaughtering, and a mobile phone.
4. The prosecution further asserts that the accused had trespassed into the protected forest area, accompanied by hunting dogs, which he

intentionally set upon the lizard to track and kill it. Following the apprehension, the carcass and weapon (sickle) were seized under a Mahazar (Ex.P.4) at the spot. The accused and the seized properties were produced before the Forest Range Officer, Mettur, where the accused allegedly provided a voluntary confession (Ex.P.2) the following morning, admitting to the poaching. To scientifically establish the cause of death, a post-mortem was conducted by the Veterinary Assistant Surgeon (P.W.7), whose report (Ex.P.8) confirmed that the animal died due to shock and multiple predator bite injuries.

5. The prosecution contends that the lizard in question is classified under Schedule II, Part II of the Wildlife (Protection) Act. It is further alleged that the accused has contravened **Section 21(d) and (h) of the Tamil Nadu Forest Act, 1882, in conjunction with Sections 2(16), 9(1), 39(1), 40(2), 50 and 51 of the Wildlife (Protection) Act, 1972.**

B. FRAMING OF CHARGES AND CROSS-EXAMINATION

6. Upon the conclusion of the examination of the prosecution witnesses, charges were framed against the accused, Vellayan @ Sundararaj under **Section 21(d) and (h) of the Tamil Nadu Forest Act, 1882, read with Sections 2(16), 9(1), 39(1), 40(2), 50, and 51 of the Wildlife (Protection) Act, 1972.** When the charges were framed, read over, and

explained to the accused, he pleaded not guilty and stated before this Court that a false case had been foisted upon him. Subsequently, the defence was permitted to cross-examine the prosecution witnesses, and accordingly, P.W.1 to P.W.7 were cross-examined by the learned counsel for the accused.

C. QUESTIONING UNDER SECTION 313(1)(b) OF Cr.P.C.

7. Upon the conclusion of the prosecution's evidence and the cross-examination of the witnesses, the incriminating circumstances appearing in the evidence against the accused were put to him by this Court under **Section 313(1)(b) of the Code of Criminal Procedure**. The accused was questioned regarding the allegations of trespassing into the protected forest and the hunting of a monitor lizard. To the questions posed, the accused denied all the incriminating evidence, maintained his innocence, and reiterated that a false case had been foisted upon him. Furthermore, the accused submitted that during the course of the incident, it was indeed the dog that caught the monitor lizard, but he categorically stated that he had no knowledge as to the ownership of the said dog. Further, the accused stated that he did not wish to let in any oral or documentary evidence on his side.

D. ARGUMENTS

8. In the present case, the arguments advanced by the learned counsel for both sides were heard at length, and the entire oral and documentary evidence available on record was carefully perused and considered.
9. **The case, as argued by the prosecution:** The prosecution argues that the guilt of the accused is conclusively established through the corroborated ocular evidence of the joint search party (P.W.1 to P.W.5) who apprehended the accused at the scene of the crime with the poached animal and the hunting tools. It is submitted that the medical evidence provided by the Veterinary Assistant Surgeon (P.W.7) in the post-mortem report (Ex.P.8) confirms that the injuries on the carcass were caused by predator bites, which directly supports the prosecution's theory that hunting dogs were employed by the accused. The prosecution further contends that the procedural mandates were followed and the voluntary nature of the confession (Ex.P.2), combined with the recovery of the sickle, proves the intent and execution of the illegal act within a protected forest zone; wherefore, the prosecution prays that this Court may be pleased to find the accused guilty and convict him in accordance with the law.

10.The case, as argued by the defence: The defence contends that the case is entirely fabricated and that the accused, a resident living near the forest boundary, was falsely implicated while he was merely collecting green fodder for his cattle during the morning hours. It is argued that the prosecution failed to examine any independent or local public witnesses despite the arrest occurring near a well-known temple, and instead relied solely on interested official witnesses whose testimonies contain significant contradictions regarding the timing and nature of the patrol. The defence highlights the crucial admission by the medical officer (P.W.7) during cross-examination that the predator bites could have been caused by wild animals like foxes or wild dogs naturally present in the forest, and that no specific evidence exists to link the alleged injuries to domestic dogs belonging to the accused. Furthermore, the defence submits that the non-seizure and lack of description of the purported hunting dogs render the entire story of poaching highly improbable and legally unsustainable; wherefore, the defence prays that this Court may be pleased to acquit the accused of all charges and set him at liberty.

E. QUESTIONING U/S 313(1)(b) of Cr.P.C.

11.Following the conclusion of the prosecution's evidence, on **14th August 2025**, the incriminating circumstances appearing against the accused were

explained to him, and he was questioned under section **313(1)(b) Cr. P.C.** The accused denied complicity with the offence and claimed that he had been falsely implicated in this case.

F. POINT FOR DETERMINATION

12. Based on the arguments advanced by both parties and upon a careful perusal of the records, this Court is of the considered view that the following points arise for determination in this case:

- (a) Whether the prosecution has proved beyond a reasonable doubt that the accused was found in conscious and illegal possession of a dead Monitor Lizard within the forest limits?
- (b) Whether the accused is liable for conviction under the Tamil Nadu Forest Act and the Wildlife (Protection) Act?

Appreciation of Evidence and Findings

13. Consideration and Determination of Point No. 1: Whether the prosecution has proved beyond a reasonable doubt that the accused was found in conscious and illegal possession of a dead Monitor Lizard within the forest limits?

(a) In the present case, the prosecution primarily relies upon the confessional statement alleged to have been rendered by the accused, which have been marked as Exhibit P. 2. While considering the admissibility of this confession, this Court humbly relied on the principle laid down by the Honourable Madras High Court in **E.C. Richard v. Forest Range Officer, Mettupalayam (1958 AIR Mad 31)**. In the said decision, it was observed that a Forest Range Officer acting under the then Madras Forest Act is not invested with the full powers of an officer-in-charge of a police station under the Code of Criminal Procedure. Furthermore, as the Legislature has maintained a clear distinction between a Forest Officer and a Police Officer, a Forest Officer is not a "Police Officer" within the ambit of **Section 25 of the Indian Evidence Act, 1872**. Consequently, a confession made to a Forest Officer is admissible in evidence.

(b) However, this Court is also mindful of the legal principle that merely admitting a statement into evidence is distinct from determining the relevancy and credibility of the facts contained therein. Whether such statements are reliable and whether they truly connect the accused to the crime are matters of factual determination. Therefore, this Court proceeds to scrutinise the credibility of the said recorded confessions in the following manner.

- (c) The case of the prosecution is that a joint patrol was conducted by a team from the Forest Department and the Special Task Force (STF) of the Police Department. PW2, Kuppusamy, Forester, acted as the primary officer for the Forest Department team, while PW3, Suresh Britto, Sub-Inspector, led the STF personnel. The members of both teams have been examined as witnesses in this case.

14. Discrepancies Regarding the Nature of Patrol and Joint Operations:

The primary ambiguity in the prosecution's case pertains to whether the patrol was initiated based on specific secret information or if it was a routine patrol conducted without prior intelligence.

- (a) In this regard, **PW1, Nallasivam, Forester**, testified that on November 11, 2012, acting on the orders of the District Forest Officer, he joined a patrol led by Forester Kuppusamy. He further stated that they conducted a joint patrol with STF officers starting at 8:00 p.m. During cross-examination, PW1 denied that the information regarding the case originated from the STF, asserting instead that both teams set out for the patrol together. He specifically maintained that it was customary for the Forest Department and the STF to conduct joint patrols and that on the

day of the incident, they proceeded based on verbal orders as per their usual practice.

(b) At the same time, **PW2, Forester Kuppusamy**, who led the Forest Department team, testified that his team and the Special Task Force (STF) led by PW3, Sub-Inspector Selva Suresh Britto, conducted a joint patrol by lying in wait near the Chinnakaval Mariamman Temple area. During cross-examination, PW2 explicitly stated that they had received no secret information regarding the incident and were merely performing a routine patrol.

(c) In stark contrast, **PW3, Sub-Inspector Selva Suresh Britto**, who headed the STF team, stated in his chief examination that they discovered the incident while maintaining a joint ambush with the Forest Department. However, during cross-examination, he completely departed from this version, admitting that he was not at the scene when the incident allegedly began but was at the Mettur STF office. He claimed to have received information at approximately 6:50 p.m., after which he informed PW2, Forester Kuppusamy, and others, and reached the spot at 7:40 p.m. He further asserted that the STF remained at their office until specific secret information regarding hunting with dogs was received.

(d) Given that the Forest Department witnesses maintain the discovery was made during a routine patrol, whereas the STF lead officer claims he received secret information at his office and subsequently alerted the Forest Department, this Court finds a fundamental and irreconcilable contradiction. Such a glaring discrepancy as to whether the operation was a routine patrol or a targeted raid based on intelligence casts a shadow of strong doubt on the veracity of the prosecution's version of the incident.

(e) Furthermore, to reinforce the version provided by the Special Task Force, **PW4, Ravichandran, Head Constable** and a member of the STF team, has also testified that the patrol was conducted only upon receipt of secret information. This testimony from PW4 further highlights the discrepancy between the two departments, as Forest Department officials continue to maintain that the operation was a routine patrol with no prior intelligence.

15. Material Discrepancies Regarding the Arrival and Composition of the Patrol Team: Secondly, this Court identifies another significant infirmity in the prosecution's case concerning the sequence and timing of the arrival of the witnesses at the scene of the occurrence. Each member of the patrol team has provided a different version regarding who reached

the spot and when. While this Court acknowledges that the examination took place approximately 12 years after the incident, it cannot overlook the fact that these are official witnesses. Their failure to provide a consistent account of fundamental details—such as who provided the initial information and who arrived at the scene first—casts a serious shadow of doubt on the prosecution's narrative.

(a) PW1, Nallasivam, testified that both the Forest Department personnel and the Special Task Force (STF) proceeded together from Kolathur and stated that they customarily conducted joint patrols two or three times a week.

(b) Conversely, PW2, Kuppusamy, the Forester who led the forest team, deposed that the STF personnel were already present at the scene when his team arrived and that they merely joined them there. Furthermore, this Court takes note of the statement by PW2 that three of them travelled from the Range Office on two motorcycles. According to the prosecution, the patrol team consisted of Forester Kuppusamy, Forest Guard Nallasivam, and Forest Watcher Radha. Consequently, the conflicting testimonies create an unresolved ambiguity as to whether these three individuals set out together to the scene to join the patrol or

whether they first went to Kolathur to join the rest of the team before proceeding.

(c) In this context, the testimony of PW3, Sub-Inspector Selva Suresh Britto, further complicates the narrative. During cross-examination, he stated that upon receiving secret information, he alerted Forester Kuppusamy, Forest Guard Nallasivam, and Forest Watcher Radha—who were already near the scene of the occurrence—before setting out. He explicitly maintained that these forest officials were already present at the spot prior to the arrival of the Special Task Force (STF). This directly contradicts the testimony of PW1, who claimed they travelled together from Kolathur, and PW2, who stated they joined the STF already present at the spot.

(d) Corroborating the version of the Sub-Inspector, PW4, Ravichandran (Head Constable, STF), stated during cross-examination that the forest officials were waiting at the scene after being informed by the Sub-Inspector at the time of their departure. However, PW5, Velmurugan, another member of the STF, created further ambiguity by testifying during cross-examination that the Forest Department personnel arrived at the scene only after the STF had already reached the spot.

(e) These mutually destructive versions regarding who reached the spot first, who was waiting for whom, and whether the teams moved independently or jointly, strike at the root of the prosecution's case. Such fundamental contradictions among official witnesses regarding the basic facts of the operation lead this Court to view the entire prosecution story with grave suspicion.

16. Material Discrepancies Regarding the Identification and Apprehension of the Accused in the dark night with moonlight: The credibility of the prosecution's case is further undermined by the inconsistent accounts provided by the witnesses regarding the apprehension of the accused at the scene of the occurrence. This Court finds that the witnesses have provided contradictory versions of how they first spotted the accused and the manner in which he was intercepted.

(a) PW1, Nallasivam, testified that while on patrol at approximately 8:00 p.m. near the Chinnakaval Thittu Mariamman Temple, they observed a figure emerging from the Cauvery catchment area and walking toward the patrol team. He further stated that the Sub-Inspector of the Special Task Force (STF) intercepted the individual and conducted an inquiry in his presence, during which

the individual identified himself as Vellaiyan and was found to have a dead monitor lizard.

(b) In contrast, PW2, Kuppusamy, deposed that they observed the accused entering the forest from a distance while they were approaching the spot. He claimed to have spotted the accused entering the forest at 8:00 p.m. and subsequently saw him emerging from the forest at 8:45 p.m., carrying a monitor lizard and a billhook (koduvall). Significantly, no other witness examined in this case corroborated the statement that the accused was seen entering the forest earlier.

(c) Furthermore, PW2, Kuppusamy, admitted during cross-examination that he spotted the accused at a distance of 100 meters in a forest area where there were no electric lights.

(d) Furthermore, PW3, Sub-Inspector Selva Suresh Britto, who led the Special Task Force, testified that he spotted the accused at approximately 8:30 p.m. from a distance of 50 meters.

(e) Further, P.W.2 Kuppusamy has deposed before this Court that he saw the accused at a distance of about 100 metres in a forest area during night hours, in the absence of any artificial lighting. When

confronted with the improbability of such observation, he has stated that there were no trees in the said area and, therefore, his vision was unobstructed. However, the mere absence of trees or physical obstructions would not, by itself, ensure visibility in conditions of darkness.

(f) In the absence of any source of illumination, the possibility of identifying or even noticing a person at a distance of 100 metres in a forest area during nighttime, even assuming the presence of moonlight, appears highly doubtful. There is no material placed before this Court to establish the intensity of moonlight or any surrounding circumstances which could have enabled such identification.

(g) It is also not the case of the prosecution that the accused was carrying any source of light while entering the forest, nor is there any evidence of recovery of such light from him. In such circumstances, the prosecution's version that the accused entered the forest at night without any illumination, located a monitor lizard therein, and thereafter deployed a hunting dog to hunt and retrieve the same, appears inherently improbable and does not inspire the confidence of this Court. Accordingly, the testimony of

P.W.2, insofar as it relates to the alleged sighting of the accused under such conditions, is rendered unsafe to be relied upon.

17. Contradictions Regarding the Presence of a Hunting Dog and

Method of Poaching: In respect of the alleged apprehension of the accused in the forest area, the prosecution witnesses have given materially inconsistent versions regarding the presence of a dog and the manner in which the animal was allegedly hunted.

(a) P.W.1 Nallasivam, in his evidence, has not stated anywhere that a dog was present at the scene of the occurrence. P.W.2 Kuppusamy, during cross-examination, has categorically deposed that he saw only the accused and the animal (udumbu) at the spot and that he did not see any dog.

(b) In contrast, P.W.3 Selva Suresh Britto, who is stated to have led the Special Team, has deposed that while he was engaged in surveillance at the scene, he first noticed the arrival of a dog and, having already received information that hunting was being carried out with the aid of a dog, he began to focus his attention on that direction, and thereafter noticed the accused.

(c) Further, P.W.4 Ravichandran, another member of the Special Team, has stated in his cross-examination that the accused himself had stated that he had used his pet dog to catch the animal and that the dog had accompanied him. On the other hand, P.W.6 Velmurugan, also belonging to the Special Team, has deposed that he did not see whether any dog was present with the accused at the time of the occurrence and that he was not aware as to how the animal was hunted.

(d) Significantly, none of the forest officials has spoken about the presence of any dog at the scene, whereas only some members of the Special Team have made such assertions, and even among them, there is no consistent or uniform version. One of the members of the Special Team has expressly stated that he did not see any dog and is unaware of the manner in which the animal was captured.

(e) When these material contradictions are cumulatively considered, this Court finds that the prosecution has failed to present a coherent and reliable version of the occurrence. The inconsistencies go to the root of the prosecution's case and render it highly doubtful whether both teams had, in fact, jointly apprehended the accused at

the spot and witnessed the alleged hunting of the animal with the aid of a dog. Consequently, this Court is unable to place reliance upon such discrepant evidence, and the prosecution's version in this regard does not inspire confidence.

18. Conclusion on Point No.1: In the present case, all the prosecution witnesses have consistently deposed that they were engaged in patrol duty; however, their versions regarding the occurrence are materially inconsistent and mutually contradictory. Each witness has spoken differently as to how the incident took place, the place at which they assembled, and the manner in which they reached the scene of the incident.

19. Further, the witnesses have given varying accounts as to the time at which they allegedly saw the accused. While one witness has stated that a dog was present, another has categorically denied having seen any such dog. One witness claims to have seen the accused from a distance of 100 metres in a forest area during night hours, which itself is doubtful.

20. Significantly, in contradiction to all other witnesses, one witness has stated that he noticed the accused at the very moment when he trespassed into the protected forest area, yet, instead of apprehending him

immediately, he allowed the accused to proceed further, allegedly hunt the animal, and only thereafter apprehended him.

21. These contradictions, when viewed cumulatively, render the entire prosecution version inherently improbable and unreliable. This Court is of the considered view that such discrepant and inconsistent evidence does not establish that all the witnesses had jointly witnessed the occurrence in the manner alleged by the prosecution.

22. In this context, the prosecution has also relied upon a statement said to have been given by the accused, namely Vellaiyan @ Sundararaj, before a Forest Officer, to the effect that on 11.11.2012 at about 8.00 p.m., while proceeding with his pet dog near Chinna Kaval Mariamman Temple area, he chased an udumbu which had emerged from the reserve forest adjoining the Kurumanur North Beat area, and that the dog caught and killed the animal, after which he carried it and was apprehended by the forest and police officials.

23. However, merely because such a statement is recorded by a Forest Officer, the same cannot be mechanically accepted as substantive evidence so as to override the material contradictions and infirmities in the prosecution's case. Treating such a statement on a different footing

from a confession made before a police officer, and placing implicit reliance upon it while ignoring the glaring inconsistencies in the prosecution evidence, would be unsafe and contrary to the settled principles of criminal law, and would result in miscarriage of justice.

24. As a culmination of the above circumstances, this Court also takes note of the so-called confessional statement alleged to have been given by the accused before the Forest Officer. A careful perusal of the said statement reveals that it is couched in precise and technical language, making specific reference to locations such as the Kurumanur North Beat area adjoining the reserve forest and the Cauvery reservoir region. The use of such exact official terminology ordinarily employed by forest authorities raises serious doubt as to the voluntariness and authenticity of the statement. It appears inherently improbable that a lay villager residing near the forest area would, on his own, describe the place of occurrence with such technical precision and in the official parlance of the department. This circumstance creates a reasonable suspicion that the statement may not have been recorded in the manner alleged by the prosecution. When this aspect is considered in conjunction with the other inconsistencies and infirmities in the prosecution's case, this Court finds

that the said confessional statement cannot be safely relied upon and does not inspire confidence.

25.Further, P.W.7 Dr Senthilkumar, who conducted the post-mortem examination on the dead udumbu, has opined that the animal had died due to bite injuries caused by some animal, but he has categorically stated that he cannot specifically say that the injuries were caused by a dog. He has further stated that such injuries could also be caused by other animals, such as foxes or similar species having comparable dental structures. This medical evidence does not conclusively support the prosecution's case that the animal was hunted by a dog belonging to the accused.

26.Moreover, when the incriminating circumstances appearing in the prosecution evidence were put to the accused, he denied the same as false and stated that the animal was indeed caught by a dog, but that he was unaware as to whose dog it was. This explanation, when considered in the backdrop of the inconsistent and unreliable prosecution evidence, cannot be outrightly rejected.

27.In the above circumstances, this Court finds that there is no cogent, consistent, or reliable evidence to establish that it was the accused who had hunted the udumbu with the aid of a dog and was in conscious

possession of the same. The contradictions and inconsistencies in the prosecution's case are of such a nature that they strike at the very root of the prosecution's story and create a reasonable doubt regarding its truthfulness. The prosecution has, therefore, failed to prove the charge against the accused beyond a reasonable doubt.

28. Accordingly, this Court answers the first point for determination by holding that the prosecution has not established, beyond a reasonable doubt, that the accused had hunted the udumbu with the aid of a dog and had the same.

29. **Consideration and Determination of Point No. 2:** Whether the accused is liable for conviction under the Tamil Nadu Forest Act and the Wildlife (Protection) Act?

30. Upon a cumulative consideration of the entire evidence on record, including the material contradictions among the prosecution witnesses regarding the nature of patrol, manner of arrival, time and mode of apprehension, doubtful visibility in night conditions, inconsistent versions as to the presence of a hunting dog, absence of clear evidence regarding the manner of hunting, the unreliable and suspicious nature of the alleged confessional statement recorded by the Forest Officer, and the

inconclusive medical evidence, this Court finds that the prosecution has failed to present a coherent, consistent, and credible version of the occurrence.

31. The discrepancies are not minor but go to the root of the prosecution's case, rendering the entire story inherently improbable and unsafe to rely upon. Consequently, this Court is of the considered view that the prosecution has failed to establish, beyond a reasonable doubt, that the accused was in conscious and illegal possession of the dead monitor lizard or that he had hunted the same with the aid of a dog. Accordingly, this Court answers the point for determination, namely, "Whether the accused is liable for conviction under the Tamil Nadu Forest Act and the Wildlife (Protection) Act?", in the negative, and holds that the accused is not liable for conviction.

RESULT

In the result, in view of the foregoing discussion and findings, this Court holds that the prosecution has failed to prove the charges against the accused beyond a reasonable doubt.

Accordingly, the accused, namely **Vellaiyan @ Sundararaj**, is found not guilty of the offences punishable under **Section 21(d) and (h) of the Tamil**

Nadu Forest Act, 1882, read with Sections 2(16), 9(1), 39(1), 40(2), 50, and 51 of the Wildlife (Protection) Act, 1972, and he is hereby acquitted under Section 248(1) of the Code of Criminal Procedure and set at liberty.

The bail bond, if any, executed by the accused shall stand cancelled. The sureties, if any, are discharged.

The material objects, the mobile phone and the sickle in **C.P. No. 54/2019**, shall be handed over to the accused after the expiry of the appeal period.

This judgment was directly dictated to steno typist and typed by him on computer and delivered by me in open Court on **24th day of April 2026**.

Judicial Magistrate No.1, Mettur.

LIST OF WITNESSES BY THE PROSECUTION

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|----|------|------------------------------------|
| 1. | PW.1 | Mr. Nallasivam Forest Guard |
| 2. | PW.2 | Mr. Kuppusamy Forest Range Officer |
| 3. | PW.3 | Mr. Selvasuresh Brito SI |
| 4. | PW.4 | Mr. Ravichandran HC |
| 5. | PW.5 | Mr. Velmurugan Gr-I-PC |

6. PW.6 Mr. Prakash Forest Range Officer
7. PW.7 Mr. Senthilkumar Asst Veterinary Doctor

LIST OF PROSECUTION SIDE EXHIBITS

1. **Ex. P. 1** Seizure Form 95
2. **Ex. P. 2** Confession Statement
3. **Ex. P. 3** H Form
4. **Ex. P. 4** Mahazar
5. **Ex. P. 5** Separate Report
6. **Ex. P. 6** 2nd Signature in Mahazar of PW5
7. **Ex. P. 7** Google Map
8. **Ex. P. 8** Monitor Lizard Post-mortem Certificate
9. **Ex. P. 9** Monitor Lizard Post mortem Letter

LIST OF MATERIAL OBJECTS BY THE PROSECUTION -NIL-

LIST OF WITNESSES BY THE DEFENCE NIL

LIST OF DEFENCE SIDE EXHIBITS NIL

Judicial Magistrate No.1, Mettur.

Note:-

1. The parties were informed of the outcome of the case.
2. No witnesses called not more than three times.