

BAIL SLIP

The Petitioners in all CrI.R.Cs/Appellant/Accused No.1 (viz) Kabali, aged 60 years, s/o.Arumugam was directed to be released on bail by the order of this court dated (1) 14.5.2015 in CrI.R.C.No.476 of 2015 and CrI.R.C.No.477 of 2015 and (2) 10.8.2015 in CrI.R.C.No.754 of 2015 respectively.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CrI.R.C.Nos.476, 477 and 754 of 2015 &
M.P.Nos.1,1,1,2,2, and 2 of 2015

Kabali ... Petitioner in all
Appelalnt/Accused No.1

vs.

State Rep. By
The Inspector of Police
C.C.I.W.C.I.D
Vellore
Vellore District
(Crime No.6 of 2002)

.. Respondent in allCrI.R.Cs/
Respondent/Complainant.

CrI.R.C.No.476 of 2015: Criminal Revision filed under section 397 and 401 Cr.P.C.to call for the records on the file of the learned Principal District and Sessions Judge, Vellore, Vellore District in CrI.A.No.52 of 2013 dated 18.02.2015 confirming the judgment in C.C.No.16 of 2004 on the file of the Judicial Magistrate II, Vellore, Vellore District dated 28.05.2013 and set aside the judgment dated 18.02.2015.

CrI.R.C.No.477 of 2015: Criminal Revision filed under section 397 and 401 Cr.P.C.to call for the records on the file of the learned Principal District Sessions Judge, Vellore, Vellore District in CrI.A.No.53 of 2013 dated 18.02.2015 confirming the judgment in C.C.No.33 of 2004 on the file of the Judicial Magistrate II, Vellore dated 28.05.2013 and set aside the judgment dated 18.02.2015.

Crl.R.C.No.754 of 2015: Criminal Revision filed under section 397 and 401 Cr.P.C.to call for the records on the file of the learned Principal District and Sessions Judge, Vellore, Vellore District in Crl.A.No.54 of 2013 dated 16.06.2015 confirming the judgment in C.C.No.61 of 2004 on the file of the Judicial Magistrate II, Vellore, Vellore District dated 28.05.2013 and set aside the judgment dated 16.06.2015.

For Petitioner
in all Crl.R.Cs. : Mr.E.Kannadasan

For Respondent
in all Crl.R.Cs. : Mr.V.Arul
Govt. Advocate (Crl.side)

COMMON ORDER

These revisions arise against the concurrent judgments of Courts below convicting the petitioner/A1 for offences under Sections 408, 467, 471 and 477 IPC and sentencing him to undergo 1 year RI and fine of Rs.500/-, i/d. 3 months S.I. for each offence.

2. The case of the prosecution is that this petitioner was working as a clerk in a Sugar Mill, while accused 2 and 3 were Accountant and Chief Accountant thereat. Between 1993 and 1995, the accused forged and fabricated documents and did away with sum of Rs.4,42,650/-. As the offences were committed between different periods, three separate charge sheets were filed giving rise to three cases.

3. Upon appreciation of materials before it, the trial Court, under judgments dated 28.05.2013, while acquitting accused 2 and 3, convicted this petitioner/A1 for offences under Sections 408, 467, 471 and 477 IPC and sentenced him to undergo 1 year RI and fine of Rs.500/-, i/d. 3 months S.I. for each offence. The petitioner's appeals in C.A.Nos.52 of 2013, 53 of 2013 and 54 of 2013, on the file of Principal District and Sessions Judge, Vellore were dismissed under judgments dated 18.02.2015. There against, the petitioner preferred the present revisions.

4. Heard learned counsel for petitioner and learned Government Advocate (Crl.side) and perused the materials available on record.

5. Learned counsel for petitioner submitted that these cases relate to offences committed between 1993 and 1995, the petitioner is now aged 68 years, as a result of his conviction all retirement benefits were denied to him and that he is in very frail health having recently undergone a coronary bypass

operation. Learned counsel submitted that any incarceration now would visit him with grave consequences.

6. This Court heard learned Government advocate (Crl.side) on the above submissions.

7. It is seen that the petitioner has been in custody for 18 days. In the circumstances, this Court is inclined to accept the plea of learned counsel for petitioner on the considerations espoused by him. Accordingly, this Court while confirming the judgments of conviction passed by the Courts below, would reduce the sentence to the period already undergone.

These criminal revisions, accordingly are ordered.

gpa

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Principal District and Sessions Judge, Vellore.
2. The Judicial Magistrate II, Vellore.
3. The Chief Judicial Magistrate, Vellore.
4. The Inspector of Police, C.C.I.W. C.I.D, Vellore, Vellore District.
5. The Public Prosecutor, High Court, Madras.

+ 3 ccs to Mr.E.Kannadasan, Advocate SR 66378 to 66380

gr(co)
prk30/12

Crl.R.C.Nos.476, 477 and 754 of 2015
M.P.No.1 and 1 of 2015