

BAIL SLIP

The Petitioner/Accused 1 namely C.Chandran, S/o.Chittibabu, was directed to be released on bail as per the order of this Court dt.19.9.08 in MP.1/08, in Crl.RC.No.1236/08 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.1236 of 2008

C.Chandran

.. Petitioner

Versus

State rep. by the
The Inspector of Police
J-7, Velachery Police Station
Chennai 600 042.

.. Respondent

Criminal Revision case filed under Sections 397 and 401 of Cr.P.C. against the Judgment dated 01.11.2007 passed by the learned VI Additional Sessions Judge, Chennai in C.A.No.89 of 2001 confirming the order dated 17.04.2001 passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai in C.C.No.4432 of 1999.

For Petitioner : Mr.K.Kannan

For Respondent : Mr.T.Arul
Government Advocate (Crl.side)

ORDER

The petitioner was arrayed as A-1 in C.C.No.4432 of 1999 on the file of the learned IX Metropolitan Magistrate, Saidapet, Chennai and after trial the petitioner along with A2, were convicted for the offences under Sections 454 and 380 IPC and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.500/-, in default, to undergo simple imprisonment for one month, for each of the offences and both the sentences were ordered to run concurrently. As against the conviction and sentence imposed, the petitioner preferred Crl.Appeal No.89 of 2001, which was dismissed on 01.11.2007 confirming the order passed by the lower court. Aggrieved by the same, the present Criminal Revision Case is filed.

2. The brief case of the facts is as follows:

On 03.04.1999 at about 9.00 a.m, the petitioner/A1 along with A2 had stolen the iron rods valued at Rs.1,000/- from the back side of IIT Prambudhra Hostel and they made one Ramachandran, who saw the incident to run away. Both the Courts below have concurrently found the petitioners guilty of the charges and they were sentenced to

undergo imprisonment as mentioned above. As against the same, the petitioner/A1 alone has preferred this Criminal Revision.

3. The learned counsel appearing for the petitioner argued only on sentence and not on merits. The learned counsel for the petitioner would only contend that the accused have no intention to steal the iron rod. Further, he would contend that the evidence given by PW1 was not corroborated by the other witnesses. The learned counsel for the petitioner also submitted that the stolen property is worth only Rs.1,000/- and the same was also recovered. Therefore he prayed for leniency in reduction of sentence.

4. Learned Government Advocate (Criminal Side) appearing on behalf of the respondent submitted that PW1 has categorically deposed about the incident and also identified the accused. Further, he would submit that there is a confession statement by the accused themselves. He would also state that the petitioner is a first time offender. In such circumstances, the conviction and sentence imposed by the Courts below are correct and no interference is warranted.

5. Heard both sides and perused the records. PW1, who is the eye witness to the incident has categorically deposed about the theft and the stolen property has also been recovered. Besides the prosecution also examined other witnesses to prove the guilt of the petitioner. The Courts below also analysed the materials available on record and convicted the petitioner and I do not find any reason to interfere with the same.

6. As far as reduction of sentence, the learned counsel for the petitioner prayed this Court to consider reducing the sentence taking into consideration that the petitioner is a first time offender; that the stolen property is valued only Rs.1,000/- and the same also has been recovered and that he is the only bread winner in his family. Considering the request of the counsel for the petitioner, while upholding the conviction imposed on the petitioner by the courts below, I am inclined to reduce the sentence imposed on him for both the offences under Sections 454 and 380 of IPC to three months. Accordingly, the sentence imposed on the petitioner under Sections 454 and 380 of IPC is reduced to three months. It is needless to mention that the period of sentence already undergone by the petitioner shall be given set off under Section 428 of Cr.P.C.

7. In the result, the Criminal Revision Case is partly allowed to the extent indicated above.

Sd/-
Assistant Registrar

True Copy

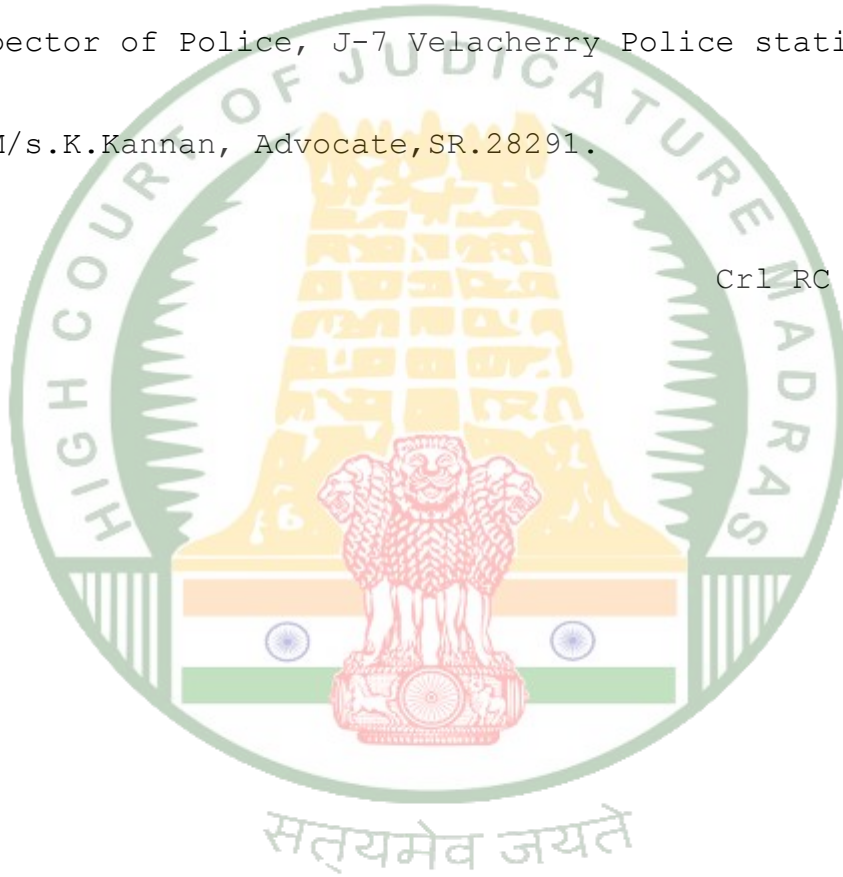
Sub Assistant Registrar

To

1. The IX Metropolitan Magistrate, Saidapet, Chennai
 - 2.The Chief Metropolitan Magistrate, Egmore, Chennai.
 3. The VI Additional Sessions Judge, Chennai
 - 4.The Superintendent, Central Prison, Puzhal, Chennai.
 5. The Public Prosecutor, Madras.
 - 6.The Inspector of Police, J-7 Velacherry Police station, Chennai.
- +1 cc to M/s.K.Kannan, Advocate,SR.28291.

Ca(co)
krd 2/7

Cr1 RC No. 1236 of 2008



WEB COPY