

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 6.7.2015.

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Criminal Revision Case No.1274 of 2010

and

M.P.No.1 of 2010

Vijayakumar

Petitioner

vs.

State rep by
Inspector of Police,
Commercial Wing
Investigation Wing,
Cuddalore.

Respondent

Criminal Revision Case filed against the conviction and sentence dated 19.8.2010 passed by the Principal Sessions Judge, Cuddalore in C.A.No.37 of 2010 confirming the conviction and sentence dated 19.3.2010 made in C.C.No.185 of 2002 on the file of Judicial Magistrate No.II, Cuddalore.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.V.Arul, Govt. Advocate (Crl.Side)

ORDER

The criminal revision has been filed by the petitioner/accused against the concurrent finding of conviction and sentence for one year simple imprisonment and fine of Rs.2000/- and in default to undergo simple imprisonment for one month, for the offence punishable under section 408 of the Indian Penal Code with regard to mis appropriation of essential commodities to the tune of Rs.1,22,532.95 supplied to the Fairtop where the petitioner was working as Salesman.

2. After making some submissions, learned counsel for the petitioner would contend that the petitioner has already lost his job and he is not directly connected with the offence and the President of the Society alone is the person responsible for the misappropriation of funds of the Society and the petitioner has undergone imprisonment for more than 15 days and he has also paid the fine and therefore, taking into consideration the age and future of the petitioner, his case may be considered.

3. Learned Government Advocate (Criminal Side) would contend that it is for the court to consider the case of the petitioner and enquiry under section 81 has already been conducted and the petitioner had already been removed from service.

4. In view of the above, instead of confirming the sentence, the sentence already undergone and the fine which was already paid shall be treated as sentence.

5. In the result, the criminal revision case is partly allowed to the extent indicated above. No costs. The connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. Principal Sessions Judge,
Cuddalore.
2. Judicial Magistrate No.II,
Cuddalore.
3. -Do- Thro The chief Judicial magistrate,
cuddalore

4. The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.B.Kumarasamy Advocate Sr.no. 33785.

Cr1.R.C.No.1274 of 2010

rj[co]
srg 23.07



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