

BAIL SLIP

The Appellant/Petitioner accused namely T.Ramanathan, S/o.Thriuganam, was directed to be released on bail as per the Order of this Court dated 16.02.2010 in M.P.No.1 of 2009 in CrI.R.C.No.1202 of 2009 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM :

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

CrI.R.C.No.1202 of 2009

T.Ramanathan

... Petitioner

Vs.

State by
Inspector of Police,
Railway Police Station,
Arakonam.

(Crime No.1194/2000)

... Respondent

Prayer: Revision has been filed under Sections 397 & 401 of Cr.P.C against the judgment dated 31.01.2007 in C.A.No.125 of 2004 passed by the learned Additional District and Sessions Judge, FTC, Vellore, confirming the judgment dated 17.08.2004 in C.C.No.182 of 2000 on the file of the learned Judicial Magistrate, Arakkonam, Vellore District.

For Petitioner : Mr.Thangavadhana Balakrishnan

For Respondent : Mr.V.Arul,
Government Advocate (CrI.Side)

ORDER

This Revision Petition has been filed challenging the concurrent judgments of the Courts below, convicting the petitioner/A3 for the offence under Section 379 IPC and sentencing him to undergo two years rigorous imprisonment and to pay a fine of Rs.500/-, in default to undergo three months rigorous imprisonment.

2.Today, when the matter is taken up for consideration, the learned counsel appearing for the revision petitioner confined his arguments only in respect of the sentence. The learned counsel for the revision petitioner submitted that the petitioner was aged 23 years at the time of the occurrence and now he is aged 31 years; that there is no previous case against the petitioner/A3; that out of four parcels, only six sarries were recovered from the petitioner; that the sentence of 2 years rigorous imprisonment is very excessive. Thus, the learned counsel appearing for the petitioner prayed for leniency in imposing sentence.

3.The learned Government Advocate (Crl.Side) has no serious objection for modifying the sentence alone.

4.Heard the submissions made on either side and perused the materials available on record.

5.Taking into consideration the submission made by the learned counsel for the petitioner and the fact that he argued only on the question of sentence and also the facts that the sentence imposed on the petitioner is only for a period of two year; that the petitioner/A3 was in prison for more than two months ie., from 23.06.2000 to 28.08.2000, I am of the view that instead of sending the petitioner to jail, in the interest of justice, he may be directed to pay some amount as fine.

6.Accordingly, the conviction ordered by both the Courts below is confirmed. However, the sentence imposed on the petitioner to undergo rigorous imprisonment for a period of two years for the offence under Section 379 IPC is modified into one that of the period of sentence already undergone by the petitioner. However, the fine amount of Rs.500/- awarded by the Courts below is enhanced to Rs.5,000/-, and the same shall be paid by the petitioner within a period of two weeks from the

date of receipt of a copy of this order, failing which the petitioner shall undergo rigorous imprisonment for three months.

With the above modification in sentence, the Criminal Revision Case is partly allowed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssv

To

1. The Judicial Magistrate,
Arakkonam, Vellore District.
2. The Chief Judicial Magistrate,
Vellore.
3. The Additional District and Sessions Judge,
FTC, Vellore.
4. The Inspector of Police,
Railway Police Station,
Arakkonam.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Thangavadhana Balakrishnan, Advocate, S.R.No.47215

सत्यमेव जयते Cr1.R.C.No.1202 of 2009

SK(CO)
CA(20/10/2015)

WEB COPY