

BAIL SLIP

The Appellants/Accused namely 1)T.A.Jeganathan, 2) Sekar @ Chandrasekar in C.C.No.46 of 2006 on the file of the Judicial Magistrate I, Thirupur in Crl.A.No.124 of 2008 by the Additional District and Sessions Judge, Fast Track Court V , Coimbatore were directed to be released on bail in and by the order of this court dated 13.11.2008 in Crl.M.P.No.1 of 2008 in Crl.R.C.No.1461 of 2008 on the file of the High Court, Madras.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2015

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Crl.R.C.No.1461 of 2008

1.T.A.Jeganathan
2.Sekar @ Chandrasekar

.. Petitioners

Vs.

State Rep. By Inspector of Police,
C.C.B. Police Station.
Crime No.8/2005

.. Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of Code of Criminal Procedure, against the judgment dated 19.09.2008 made in Crl. Appeal No.124 of 2008 passed by the Additional District and Sessions Judge (Fast Track Court No.V), Coimbatore at Tiruppur confirming the conviction and sentence dated 31.03.2008 made in C.C.No.46 of 2006 passed by the learned Judicial Magistrate No.I, Tiruppur.

For Petitioners : Mr.J.Franklin

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

O R D E R

Being aggrieved by the judgment passed in Crl.A.No.124 of 2008 dated 19.09.2008 by the learned Additional District and Sessions Judge (Fast Track Court No.V), Coimbatore at Tiruppur, confirming the order dated 31.03.2008 made in C.C.No.46 of 2006 passed by the learned Judicial Magistrate No.I, Tiruppur, this revision case is filed.

2. The case of the prosecution is that the petitioners were running an unregistered Chit in their residence at Krishna Nagar 2nd Street, Murugampalayam Post, Tirupur and they have cheated 28 depositors to the tune of Rs.11,82,250/-. A case was registered for offence under Sections 406 and 420 IPC against them. The petitioners have been convicted for the offence under Section 420 IPC in C.C.No.46 of 2006 by the learned Magistrate No.I, Tiruppur and sentenced to undergo Rigorous Imprisonment for two years and to pay fine of Rs.3,000/- each in default, one month Simple Imprisonment. Challenging the said order, the petitioners/accused preferred an appeal in CrI. Appeal No.124/2008 before the learned Additional District and Sessions Judge (Fast Track Court No.V), Coimbatore at Tiruppur and the same was dismissed vide judgment dated 19.09.2008. As against which, the petitioners have preferred the present criminal revision case.

3. The learned counsel for the petitioners submit that he is not arguing the case on merits but confined his argument only on sentence. The learned counsel for the petitioners would contend that the petitioner is 71 years old and the second petitioner is the sole bread winner for his family and therefore he pleaded for leniency in imposition of sentence.

4. The learned Government Advocate (CrI. Side) would contend that as per Section 420 IPC, imprisonment is mandatory and also liable to pay fine.

5. Considering the facts and circumstances and also considering the fact that the 1st petitioner is aged about 71 years, this Court is inclined to reduce the sentence of imprisonment from two years to one year.

6. Accordingly, this Criminal revision case is partly allowed and the sentence imposed on the petitioners by the Courts below is reduced from two years to one year and the fine amount imposed on the petitioners shall stand confirmed.

vsm

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Additional District and
Sessions Judge (Fast Track Court No.V),
Coimbatore at Tiruppur.

2. The Judicial Magistrate No.I, Tiruppur.
3. -do- thro' The Chief Judicial Magistrate,
Coimbatore.
4. The Inspector of Police,
CCB Police Station, Coimbatore.
5. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.J.Franklin Advocate SR 35327

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Cr1.R.C.No.1461 of 2008



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