

Bail Slip

The petitioner/Appellant/Accused 1 namely, Vijay, S/o. Ganesan, was directed to be released on bail as per the order of this Court dated 29.07.2010 in M.P.No.3 of 2010 in CrI.R.C.No.354 of 2010 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8.7.2015

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

CrI.R.C.No.354 of 2010

Vijay

...Petitioner

versus

State by Sub Inspector of Police,
Karumalaikoodal Police Station,
Karumalaikoodal
Crime No.292/2008
Mettur Taluk,
Salem

...Respondent

Revision filed against the order made in C.A.No.21/2010 dated 10.3.2010 on the file of the Addl. District Sessions Judge/F.T.C.-I, Salem, whereby confirming the sentence of one year imprisonment order passed by the Learned Judicial Magistrate II, Mettur, in CC. No. 148/2008 dated 08.01.2009 and set aside the same.

For petitioner : Mr.C.Prakasam

For respondent : Mr.V.Arul,
Government Advocate

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O R D E R

The petitioner was tried in C.C.No.148 of 2008, on the file of the Judicial Magistrate No.II, Mettur. The petitioner was convicted for offence under section 379 IPC and sentenced to undergo one year rigorous imprisonment.

2. Aggrieved by the said order, he preferred an appeal in C.A.No.21/2010, before the Additional District Sessions Judge, Fast Track Court No.1, Salem who upheld the conviction and sentence imposed on the petitioner and dismissed the appeal. Challenging the same, the present revision has been filed.

3. Inasmuch as two courts have already gone into the facts and given concurrent findings holding the accused guilty, it may not be necessary for me to go into the facts and circumstances of the case again. Moreover, this court sitting in revision is called upon to satisfy itself with the correctness, legality and propriety of the orders passed by the courts below, and not to re-appraise the evidence. The case of the prosecution in brief is as follows:-

"a) On 25.7.2008, at about 7.10 p.m., the petitioner and another, who were working as driver and cleaner, stole 16 MMMS rods from Malco Company, Salem, where they were to deliver some products.

b) A case was registered against the petitioner and another and they were tried in C.C.No.148 of 2008 on the file of Judicial Magistrate No.II, Mettur and the petitioner was convicted as aforesaid."

4. After making some elaborate arguments, the learned counsel for the petitioner confined his arguments with regard to sentence alone. The learned counsel submitted that the petitioner is first time offender and he has no bad antecedents. He has already served the sentence for about 20 days and he has also paid fine. The petitioner is repenting for his acts. The learned counsel further submitted that the petitioner is aged 34 years and he has got a family to take care. Therefore, the learned counsel prays for mercy to be shown to the accused.

5. The learned Government Advocate (Criminal Side) opposed the prayer of the learned counsel for the petitioner for reduction of sentence.

6. On going through the entire materials placed on record, it is seen that the petitioner is a first time offender. He is just 34 years now and he has got a family to look after. Therefore, considering the facts and circumstances of the case, while confirming the conviction, the petitioner is released under Probation of Offenders Act. Accordingly, the sentence imposed on the petitioner is set aside. The revision petitioner is released on probation of good conduct on entering into a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with one surety to the satisfaction of the trial Court and also to appear and receive the sentence when called upon

during the period of two years and in the meantime to keep the peace and be of good behaviour. The fine amount paid by the petitioner shall be treated as compensation and costs as provided under Section 5 of the Probation of Offenders Act.

7. The revision is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar
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To

1.The Addl. District Sessions Judge/F.T.C.-I,
Salem.

2.The Judicial Magistrate No.II,
Mettur.

3.-Do- Through The Chief Judicial Magistrate,
Salem.

4.The Public Prosecutor,
Madras High Court

5.The Sub Inspector of Police,
Karumalaikoodal Police Station,
Karumalaikoodal,
Mettur Taluk, Salem.

6.The Superintendent,
Central Prison,
Salem.

1 CC to Mr.C.Prakasam, Advocate SR.No. 34590

CA (CO)
PSI (27.07.2015)

Cr1.R.C.No.354 of 2010