

Bail Slip

The Petitioner/Accused was directed to be released on Bail in and by the order of this court dated 29.04.2010 made in MP.2/2010 in Crl.RC.421/2010 on the file of the High Court, Madras.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.421 of 2010

A.L.Suresh

.. Petitioner/2nd Accused

Versus

State rep. by the
Sub-Inspector of Police,
Karumalaikoodal Police Station,
Salem District.

.. Respondent/Complainant

Criminal Revision case filed under Sections 397 and 401 of Cr.P.C. against the Judgment dated 08.01.2009 made in C.C.No.148 of 2008 on the file of the Judicial Magistrate No.II, Mettur which is confirmed by the Additional District and Sessions Judge, Fast Track Court No.I, Salem in C.A.No.21 of 2010 dated 10.03.2010.

For Petitioner : Ms.Selvi George

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

ORDER

The Criminal Revision Case is filed against the Judgment dated 08.01.2009 made in C.C.No.148 of 2008 by the learned Judicial Magistrate No.II, Mettur which is confirmed by the learned Additional District and Sessions Judge, Fast Track Court No.I, Salem in C.A.No.21 of 2010 dated 10.03.2010.

2. The case of the prosecution is that on 25.07.2008 at about 7.10 p.m. while the petitioner herein, who is the 2nd accused, along with one Ganesan/A1 was carrying cylinders in the Tata Mini Door Vehicle and delivering the same inside the Malco Company, they have stolen iron plates belongs to that company weighing 90 Kilo grams. After full fledged trial, the learned Judicial Magistrate No.II, Mettur convicted the accused under Section 379 of IPC and sentenced them to undergo 1 year simple imprisonment. Challenging the same, both of the accused filed C.A.No.21 of 2010 before the learned Additional District and

Sessions Judge, Fast Track Court No.I, Salem. The Appellate Court confirmed the judgment of the trial court by judgment dated 10.03.2010. Hence, the present revision case by the 2nd accused alone.

3. Though several grounds have been raised by the learned Counsel for the revision petitioner/A2, now the learned Counsel for the revision petitioner would submit that his argument is restricted only in respect of quantum of sentence alone. According to him, the revision petitioner herein is only 26 years old and he is the only bread winner of his family. So, he prays for modifying the sentence of imprisonment of one year by reducing the same.

4. The learned Government Advocate (Crl. Side) would submit that the revision petitioner herein is only 26 years old and he prays to pass suitable orders.

5. Considering the facts and circumstances of the case, more particularly, the fact that the petitioner who is only 26 years old is the sole bread winner of his family and also considering the gravity of the offence said to have been committed by the petitioner herein, this Court is inclined to modify the sentence imposed on the petitioner herein while confirming the conviction under Section 379 of IPC. Accordingly, the petitioner herein/A2 is sentenced to undergo simple imprisonment for three months instead of one year as imposed by the courts below. If the petitioner has not already undergone the said three months period of imprisonment, the trial court shall take steps that are necessary to secure the presence of the petitioner herein to undergo that sentence.

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

सत्यमेव जयते

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tsi

To

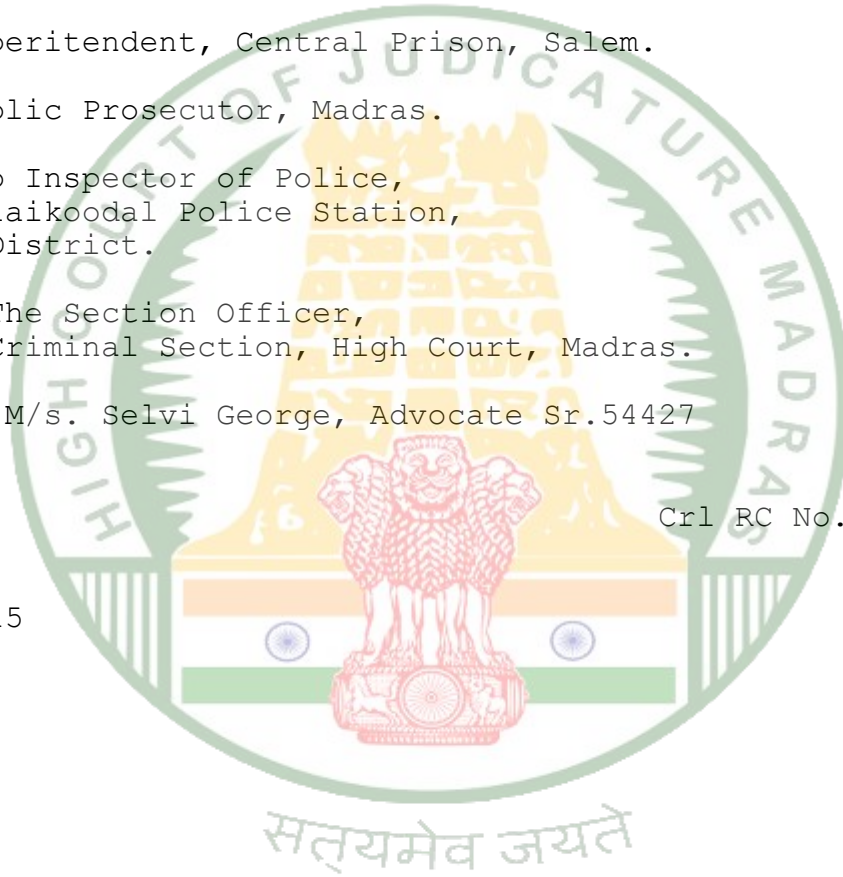
1. Additional District and Sessions Judge
(Fast Track Court No.I), Salem.
2. The Judicial Magistrate No.II, Mettur.
3. -do- Thro'The Chief Judicial Magistrate, Salem,
(for information)
4. The Superitendent, Central Prison, Salem.
6. The Public Prosecutor, Madras.
5. The Sub Inspector of Police,
Karumalaikoodal Police Station,
Salem District.

Copy to: The Section Officer,
Criminal Section, High Court, Madras.

+ 1 cc to M/s. Selvi George, Advocate Sr.54427

Crl RC No.421 of 2010

AK(CO)
Eu 30.10.15



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