

Bail Slip

That the Petitioner/Accused namely Radha & Ramakrishnan, be and hereby was directed to be released on bail as per order of this court dated 21.04.2009 made in M.P.No.1 of 2009 in Crl.R.C.No.377 of 2009.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-08-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 377 of 2009

Radha @ Ramakrishnan

...Petitioner/Accused

Versus

The State
represented by
Inspector of Police
Mahalingapuram Police Station
Pollachi
Coimbatore District
(Cr.No.296/2006)

...Respondent/Complainant

Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C. against the judgment dated 27.01.2009 made in Crl.A. No.398 of 2008 on the file of the learned Additional District Sessions Judge, Fast Track Court No.II, Coimbatore, confirming the conviction and modifying the sentence passed in C.C.No.315 of 2007 on the file of the learned Judicial Magistrate No.II, Pollachi, dated 10.11.2008.

For Petitioner : Mr.M.N.Balakrishnan

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

ORDER

The case of the prosecution is that on 28.10.2006 at about 5 p.m., when P.W.2/Ayyanathan along with P.W.1/defacto complainant/daughter was proceeding towards their house at Mahalingapuram, Pollachi, the petitioner along with another person were alleged to

have snatched the chain from the defacto complainant. On the basis of the complaint given by the defacto complainant, the petitioner & other accused were charged and tried for the offence under Section 379 IPC by the learned Judicial Magistrate No.II, Pollachi, in C.C.No.315 of 2007. After trial, the petitioner/accused was convicted by the Trial Court for an offence punishable under Section 379 IPC and sentenced to undergo rigorous imprisonment for a period of one year eight months. As against the judgment of conviction and sentence passed by the Trial Court, the petitioner has filed Crl.A. No.398 of 2008 before the Additional District Sessions Judge, Fast Track Court No.II, Coimbatore. The Appellate Court, by judgment dated 27.01.2009, has confirmed the conviction, but the sentence was modified to one year rigorous imprisonment. Aggrieved against the same, this Criminal Revision Case is filed.

2. Today, when the revision is taken up, Mr.M.N.Balakrishnan, learned counsel appearing for the petitioner/accused would submit that the petitioner is not arguing the matter on merits, but, he is confining his argument only on the question of sentence imposed on the petitioner/accused by the Appellate Court. He would further submit that the petitioner is aged 22 years at the time of occurrence and now, he is aged 31 years and he is the sole breadwinner of the family and there is no previous case pending against the petitioner and he is in prison for more than five months and that the fine amount has been paid, hence, he prayed for showing leniency in reduction of sentence.

3. Mr.V.Arul, learned Government Advocate appearing for the respondent would submit that it is a case of chain snatching and therefore, no leniency can be shown in reduction of sentence.

4. Heard both sides. By consent, this main Criminal Revision Case itself is taken up for final disposal.

5. Taking into consideration of the fact that the learned counsel appearing for the petitioner is not arguing the matter on merits, but, he is confining his argument only on the question of sentence imposed on the petitioner/accused by the Appellate Court and prayed for showing leniency in reduction of sentence, this Court taking into consideration the submission of the learned counsel for the petitioner that the petitioner is a young man aged 31 years, he has a long way to go, he has to take care of his family members and he is the sole breadwinner of the family and he is a first time offender, I am of the view that some leniency can be shown to the petitioner in reducing the sentence. Accordingly, while confirming the conviction imposed by the Appellate Court, the sentence alone is reduced to six months rigorous imprisonment.

6. In the result, with the above modification in sentence, this Criminal Revision Case is partly allowed. The conviction passed by

the Appellate Court dated 27.01.2009 stands confirmed and the sentence alone is modified to the effect that the petitioner/accused shall undergo rigorous imprisonment for a period of six months. It is represented that the petitioner/accused was in jail for nearly five months. The Trial Court is directed to take steps to secure the presence of the petitioner/accused to undergo the remaining period of sentence, if any. It is needless to mention that any sentence already undergone by the petitioner/accused shall be given set off as contemplated under Section 428 of Cr.P.C.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

paa

To

1. The Judicial Magistrate No.II,
Pollachi.
2. -Do- Through The Chief Judicial Magistrate,
Coimbatore.
3. The Additional District Sessions Judge,
Fast Track Court No.II,
Coimbatore.
4. The Inspector of Police
Mahalingapuram Police Station
Pollachi
Coimbatore District. सत्यमेव जयते
5. The Public Prosecutor,
High Court,
Madras.

WEB COPY

1 CC to Mr.M.N.Balakrishnan, Advocate SR.No. 45469

Criminal Revision Case No.377 of 2009

MG (CO)
PSI (29.09.2015)