

Bail Slip

The Petitioner/Accused was directed to be released on bail by the order of this court dated 20.11.2012 and made in M.P.No.1 of 2012 in Crl.R.C.No.1396 of 2012.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

CRL. R.C. No. 1396 of 2012

V.G.Rajendran

...Petitioner/Appellant/Accused

Versus

State by The Inspector of Police
CCIW CID, Vellore
Vellore District
(Cr.No.18 of 2005)

...Respondent/Respondent/Complainant

Criminal Revision Case filed under Section 397 read with 401 of the Criminal Procedure Code, against the Judgment dated 31.10.2011 passed in Crl.A. No. 125 of 2010 on the file of the Additional District Judge, Fast Track Court, Vellore, Vellore District, modifying the order passed in C.C. No.24 of 2008 dated 07.06.2010, on the file of the Judicial Magistrate No.II, Vellore, Vellore District.

For Petitioner : Mr.C.Prakasam

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

ORDER

On the basis of the complaints given by the Special Officer of Paradarami Primary Agricultural Co-operative Bank and the employees, a case was registered against the petitioner/accused in Cr.No.18 of 2005. The Trial Court proceeded with the case. Ultimately, after trial, the Trial Court convicted the petitioner for the offences under Sections 468, 471, 408 and 477(A) IPC and sentenced to undergo rigorous imprisonment for one year each and to pay a fine of Rs.500/- each, in default to undergo simple imprisonment for a further period of three months each and ordered that the sentences shall run concurrently with the sentence passed in another case in C.C.No.23 of 2008. Aggrieved by the same, the accused has filed Crl.A. No. 125

of 2010 before the learned Additional District Judge, Vellore, Vellore District, wherein, the conviction is confirmed and the sentence is modified to one month rigorous imprisonment each and to pay a fine of Rs.500/- each, in default, to undergo rigorous imprisonment for a further period of one week and the above sentences were directed to run concurrently and also run concurrently with the sentence imposed in C.A.No.124 of 2010. Aggrieved against the same, the petitioner, who is arrayed as accused, has filed the present Criminal Revision Case.

2. The allegation against the petitioner/accused is that while discharging his duty as the Secretary Incharge in Paradarami Primary Agricultural Co-operative Bank, for the period from 14.06.2002 to 13.01.2003, has misappropriated the bank amount amounting to Rs.6 lakhs & odd and thereby, committed criminal breach of trust and used the same for his personal use and with the criminal intention suppressed the same.

3. Today, when the matter is taken up, Mr.C.Prakasam, learned counsel appearing for the petitioner/accused would submit that he 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 a patient and he is suffering from very serious illness and he is in deathbed, infact, taking into consideration of the said fact, the Appellate Court modified the sentence to that of one month rigorous imprisonment and hence, he prayed for showing leniency in reduction of sentence to the effect that the period already undergone may be held sufficient.

4. I heard Mr.V.Arul, learned Government Advocate appearing for the respondent, who on instructions would confirm that the health condition of the accused is in very bad condition and as far as the reduction in sentence is concerned, he leaves it to the discretion of the Court.

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

6. Taking into consideration of the fact that the petitioner is a patient and he is suffering from very serious illness and he is in deathbed and further 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 by the Appellate Court and prayed for showing leniency in reduction of sentence to the effect that the period already undergone may be held sufficient, I am of the view that some leniency can be shown to the petitioner/accused in reducing the sentence. Accordingly, while confirming the conviction imposed by the Appellate Court, the sentence alone is reduced to the period already undergone by the petitioner/accused. Insofar as to the fine amount imposed by the Appellate Court is concerned, it stands

confirmed. At this juncture, it is represented by the learned counsel appearing for the petitioner that the fine amount ordered by the Appellate Court has already been paid. The said statement is recorded.

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

Sd/-
Assistant Registrar(CS-II)

//True Copy//

paa Sub Assistant Registrar

To

1. The Additional District Judge,
Fast Track Court,
Vellore, Vellore District.
2. -Do- Through The Principal Sessions Judge,
Vellore.
3. The Judicial Magistrate No.II,
Vellore, Vellore District.
4. -Do- Through The Chief Judicial Magistrate,
Vellore.
5. The Inspector of Police
CCIW CID, Vellore
Vellore District.
6. The Public Prosecutor,
High Court,
Madras.

1 CC to Mr.C.Prakasam, Advocate SR.No. 32783

CRL. R.C. No. 1396 of 2012

BVR (CO)
PSI (21.07.2015)