

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.6.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 463 of 2009

1. Tmt.Joice
2. Tmt.Jansi Rani
3. Selvan Dineshkumar
4. Selvan Praveen kumar ... Petitioners
(Petitioners are substituted for the deceased
petitioner as per order of this Court dated
13.6.2014)

Versus

The State rep by
Inspector of Police
Civil Supplies Crime Investigation
Special Wing - I,
Erode. ... Respondent/Complainant

Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C. against the judgment dated 25.11.2008 made in CrI.Appeal No.20 of 2008 on the file of the Additional Session Court, Fast Track Court NO.4, Bhavani, Erode District confirming the conviction made in judgment dated 17.12.2007 in C.C.No.105 of 2001 on the file of the learned Judicial Magistrate Court, Bhavani.

For Petitioner : Mr. P.Immanuel Prakasam

For Respondent : Mr. T.Arul
Government Advocate (CrI.side)

ORDER

It is brought to the notice of this Court that the revision petitioner/2nd accused died and his legal representatives are the present petitioners herein.

2. According to the revision petitioners, the trial court convicted the second accused for the alleged offences, condition 18 of Authorization in Form 8 issued under Clause 13 (a) Order of TNSC (RDSC) order 1982 and Section 6(3) 14(1) (c) of TNSC (RDSC) Order 1982, read with under Section 7(2) (a) (iii) of EC Act 1955 and sentenced to undergo 1 year Rigorous Imprisonment and to pay a fine of Rs.2000/- in default to undergo 3 months Simple Imprisonment. Aggrieved over the said judgment, the accused preferred Criminal Appeal in CrI.A.No.20 of 2008. The appellate

Court, while confirming the conviction imposed by the trial Court modified the sentence into one of imprisonment till the raising of the Court and to pay a sum of Rs.5,000/- (Rupees Five Thousand only) as fine for the offence committed by him. As against the same, the present Criminal Revision Case is filed by the second accused. Since the second accused died, his legal representatives are before this Court.

3. The learned counsel for the petitioners would contend that the sentence of fine of Rs.5000/- imposed by the appellate Court has already been paid by the accused. The learned counsel for the petitioners would further contend that since the punishment of imprisonment till the raising of the Court will affect the future disbursement of the benefit, if any, to the petitioners, being the legal representatives of the second accused, the same may be modified to that of fine amount alone. Thus, the learned counsel prayed for allowing the revision.

4. The learned Government Advocate (Criminal side) submitted that the second accused died and the entire amount with regard to the loss of stocks has been recovered from him. The learned Government Advocate further submitted that the second accused also paid the fine amount imposed by the appellate Court.

5. I heard the counsel for both sides. By consent of both sides, the Criminal Revision itself is taken up and disposed of.

6. The trial Court convicted the petitioner for the offence condition 18 of Authorization in Form 8 issued under Clause 13 (a) Order of TNSC (RDSC) order 1982 and Section 6(3) 14(1) (c) of TNSC (RDSC) Order 1982, read with under Section 7(2) (a) (iii) of EC Act 1955 and sentenced to undergo 1 year Rigorous Imprisonment and to pay a fine of Rs.2000/- in default to undergo 3 months Simple Imprisonment. The appellate Court, modified the sentence to one of imprisonment till the raising of the Court and to pay a sum of Rs.5,000/- (Rupees Five Thousand only) towards fine.

7. Admittedly, the second accused has paid the fine amount. The petitioners herein are the legal representatives of the deceased second accused. It is the only grievance of the petitioners that the imprisonment till the raising of the Court, will affect the benefits, if any, they are entitled to.

8. Considering the fact that the second accused died and the fact that he has also paid the fine amount of Rs.5,000/- and that the petitioners are the only legal representatives of the second accused and that the punishment of imprisonment till the raising of the Court will affect the disbursement of the benefit, if any, to the petitioners herein, the sentence imposed by the trial Court and as modified by the appellate Court into one of imprisonment till the raising of the Court alone is set aside by confirming the fine amount of Rs.5000/- imposed by the Appellate Court.

9. It is admitted by the learned Government Advocate that the said fine amount has already been paid. The said admission is recorded.

10. With the above observation, the Criminal Revision case is partly allowed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

1. The Additional Session Judge,
Fast Track Court NO.4,
Bhavani, Erode District
- 2.The Judicial Magistrate Court, Bhavani.
3. The Inspector of Police
Civil Supplies Crime Investigation
Special Wing - I,
Erode.
4. The Public Prosecutor
High Court, Madras

Crl.RC No. 463 of 2009

MP (CO)
kk 14/7

सत्यमेव जयते

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