

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-07-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1669 of 2008

K. Chinnappillai @ Varadharajan

.. Petitioner

Versus

State by The Inspector of Police  
Kurinjipadi Police Station  
Cuddalore District

.. Respondent

Criminal Revision Case filed under Sections 397 read with Sec. 401 of Cr.P.C. to set aside the Judgment and Order dated 07.08.2007 passed by the learned Assistant District Sessions Judge (Fast Track Court No.2), Cuddalore in Criminal Appeal No.1 of 2000 confirming the Order dated 24.12.1999 passed in S.C. No. 125 of 1999 on the file of the Assistant Sessions Judge, Cuddalore.

For Petitioner : Mr.S. Samuel Raja Pandian

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

ORDER

The revision petitioner stood charged before the trial Court for the offences punishable under Section 4 (1-A) and 4 (1) (i) of the Tamil Nadu Prohibition Act for having been found in possession of 8 litres of illicit arrack. After trial, the trial Court convicted the petitioner for the offences under Section 4 (1-A) of the Tamil Nadu Prohibition Act and sentenced him to undergo five years rigorous imprisonment and for the offence under Section 4 (1) (i) of the said Act, he was convicted and sentenced to undergo three months rigorous imprisonment, however, the sentences were ordered to run concurrently. Assailing the order of conviction and sentence, the petitioner filed Criminal Appeal No. 1 of 2000 and it was dismissed by the Appellate Court on 07.08.2007, hence, the present Criminal Revision Case.

2. The learned counsel for the petitioner confined his arguments only in respect of reduction of sentence and not on merits. According to the counsel for the petitioner, the petitioner had already undergone three years of sentence as against five years imposed by the Courts below. The counsel for the petitioner further submits that the petitioner is the sole bread winner in his family and he repents for his misdeeds. As the petitioner had already

underwent major portion of the sentence imposed by the trial court and confirmed by the Appellate Court, he seeks for reduction in sentence.

3. The learned Government Advocate appearing for the respondent would only submit that as far as reduction of sentence pleaded by the petitioner is concerned, he leaves it to the discretion of this Court.

4. Having regard to the submission of the learned counsel for the petitioner that the petitioner had undergone major portion of the sentence and he being the only bread winner in his family, this Court is inclined to take a lenient view in reducing the sentence to the one already undergone by him. Accordingly, while confirming the conviction imposed by the courts below on the petitioner, this Criminal Revision Case is partly allowed by only modifying the sentence to the one which the petitioner had already undergone.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Assistant District Sessions Judge  
(Fast Track Court No.2)  
Cuddalore

2. The Assistant Sessions Judge  
Cuddalore.

3. The Inspector of Police,  
Kurinjipadi Police Station,  
Cuddalore

4. The Public Prosecutor High Court,  
Madras

+1 cc to Mr.S.Samuel Raja Advocate sr.34576

Cr1.R.C. No. 1669 of 2008

aa25/09/2015