



Bail Slip

The Revision Petitioner/Accused Viz., G. Ravichandiran was directed to be released on bail in M.P.No.1/2009 in Crl. R.C. 71/2009, dt.: 29.01.2009.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 18.06.2015

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

Criminal Revision Case No.71 of 2009

G.Ravichandiran

.. Petitioner

vs.

The Inspector of Police
Commercial Crime Investigation Wing
Thiruvannamalai.

.. Respondent

Criminal Revision against the order dated 07.10.2008 made in C.A.No.90 of 2008 passed by the learned Additional District and Sessions Judge (Fast Track Court), Vellore, confirming the conviction of the petitioner herein made in C.C.No.56 of 2007 dated 28.04.2008 by the learned Judicial Magistrate No.2, Vellore.

Petitioner : Mr.G.Ravichandiran
No appearance

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

ORDER

This Criminal Revision is filed against the dismissal order dated 07.10.2008 made in C.A.No.90 of 2008 passed by the learned Additional District and Sessions Judge (Fast Track Court), Vellore, thereby confirming the conviction and sentence imposed on the petitioner by the learned Judicial Magistrate No.2, Vellore, in C.C.No.56 of 2007 dated 28.04.2008.

2. The trial court has convicted the petitioner herein for the offence under Section 408 r/w.35 of IPC and sentenced him to undergo one year rigorous imprisonment and imposed fine of Rs.500/- in default to undergo one month rigorous imprisonment and also convicted him for the offence under Section 477 r/w.35 IPC and sentenced him to undergo one year rigorous imprisonment and also imposed fine of



Rs.500/- in default to undergo one month rigorous imprisonment and ordered the sentence to run concurrently.

3. Today when the matter is posted under the caption ''for dismissal'' none appeared. On earlier occasion also the petitioner did not appear. As per the judgment of the Hon'ble Apex Court reported in (2013)3 Supreme Court Cases 721, K.S.Panduranga vs. State of Karnataka, the criminal case can only be decided on merits, in the absence of the appellant, after hearing the learned counsel appearing for the respondent/complainant and also after perusing the materials available on record.

4. The only ground which has been raised in the grounds of appeal is that both the courts below have failed to consider and appreciate the evidence put forth before them in the perspective manner and the Courts below have failed to note that the prosecution has not filed any document to ''entrustment'' and the courts below have failed to note that the prosecution has not filed any document to prove falsification of documents.

5. The learned Government Advocate (Crl. Side) would only contend that the petitioner, who was employed as a clerk in Pudupalayam Primary Agriculture Cooperative Bank, along with the Secretary, has embezzled huge amount. The secretary has also been convicted for the same offence and he has undergone sentence also. The learned Government Advocate (Crl. Side) would further submit that as far as the petitioner is concerned, in fact, he was the person in-charge for keeping the materials, but, it is very clear from the evidence that the petitioner has not only failed to maintain the stock account book for gunny bags, but also alleged to have sold the gunny bags. He would also contend that all the parties had given clear, cogent and correct evidence and both the courts below have categorically come to the conclusion that the petitioner has committed the offence by embezzling and thereby, correctly convicted and sentenced the petitioner as aforesaid.

6. Heard the learned Government Advocate (Crl. Side) and also perused the materials available on record.

7. A careful perusal of the entire materials available on record would clearly reveals that the petitioner/A2 has embezzled a sum of Rs.2,50,111.35 from 01.04.2002 to 07.09.2002 from various salesmen, a sum of Rs.45,409.20 by way of selling gunny bags from 01.04.2002 to 31.03.2003 and a sum of Rs.1,56,164.85 by creating forged account in the stock book. Moreover, it is seen from the evidence that as per the auditing report of 2001 to 2002, the petitioner has embezzled a sum of Rs.35,011.70. Hence, it is proved that both the accused have embezzled a total sum of Rs.8,02,597.10. In fact the prosecution was able to point out that the counterfoil of the receipts have been changed or altered to suit the convenience. That being so, the punishment granted by the courts below are fair,



reasonable and correct. I do not find any reason to interfere with the concurrent finding of both the courts below.

8. The Criminal Revision Case stands dismissed. The conviction and sentence passed by both the courts below are confirmed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1. The Additional District and Sessions Judge
(Fast Track Court),
Vellore.
2. do thro The Principal sessions Judge, Vellore.
3. The Judicial Magistrate No.2, Vellore.
4. do thro The Chief Judicial Magistrate, Vellore.
5. The Inspector of Police,
Commercial Crime Investigation wing,
Thiruvannamalai.
6. The Public Prosecutor, High Court, Madras.

Crl.Revision Case No.71 of 2009

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kra(27/07)