

BAIL SLIP

The Revision Petitioners herein/Accused viz., 1) J.R.Sudharshan 2) J.S.Vasantha Rao 3) Lakshmi Kantha were directed to be released on bail as per order of this court dated 30.04.2008 made in Crl.M.P.No.1 of 2008 in Crl.R.C.No.438 of 2008 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-07-2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 438 of 2008

1. J.R. Sudharshan
2. J.S. Vasantha Rao
3. Lakshmi Kantha ... Petitioners/Accused

Versus

State represented by
Inspector of Police
Central Crime Branch
Egmore, Chennai - 600 008 ... Respondent/Complainant

Criminal Revision Case filed under Sections 397 read with Sec. 401 of Cr.P.C. against the Order dated 28.02.2007 made in Criminal Appeal No. 79 of 2004 on the file of Additional District Sessions Judge (Fast Track Court No.1), Chennai confirming the order dated 16.02.2014 made in C.C. No. 8339 of 1999 on the file of Additional Chief Metropolitan Magistrate, Egmore, Chennai.

For Petitioners : Mr. R.C. Paul Kanagaraj

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

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ORDER

The revision petitioners herein stood charged for the offences under Section 406 read with 34 of IPC and 420 read with 34 of IPC. After trial, the trial Court convicted the revision petitioners for the offence under Section 420 of IPC read with Section 34 of IPC and sentenced them to six months simple imprisonment. The trial Court also directed the revision petitioners to pay a sum of Rs.25,000/- each to PW1 towards compensation within a period of one month, failing which to undergo simple imprisonment for a period of six

months. However, the trial court acquitted the revision petitioners from the offence under Section 406 read with Section 34 of IPC. Such conviction and sentence imposed on the revision petitioners was confirmed by the Appellate Court, hence the present Criminal Revision Case.

2. The case of the prosecution is that the second accused is the son of accused 1 and 3. The marriage between the second accused and daughter of PW1 was arranged and on 04.09.1998, a betrothal was solemnised at the house of the defacto complainant. It was decided by parents of both sides that the marriage shall be solemnised at C.S.I. Church, Sirpurkar Nagar, Andhra Pradesh. According to the defacto complainant, as demanded by the accused, he paid a sum of Rs.10,000/- in cash, Rs.40,000/- by way of demand draft towards marriage expenses. The accused also demanded a Scooter and Rs.1,00,000/- in cash prior to the marriage, which was also agreed by the defacto complainant. According to the defacto complainant, he had spent Rs.1,00,000/- for solemnisation of the marriage and made arrangements to print the wedding invitation etc., and also distributed the wedding invitation to the friends and relatives. However, the accused have refused for the marriage of the second accused with the daughter of the defacto complainant for obvious reasons and they have given the second accused in marriage with one Salamma, a Police Constable. Therefore, the defacto complainant has given a complaint, complaining that he was cheated by the accused persons and on the basis of the same, a case was registered for the offences punishable under Section 406 read with 34 of IPC and 420 read with 34 of IPC.

3. After elaborate arguments advanced by counsel for both sides, the learned counsel for the revision petitioners would submit that he is not arguing the case on merits but he is confining his argument for reduction of the sentence imposed on the revision petitioners/accused. As far as the first accused is concerned, even at the time of filing of the Criminal Revision Case, he was 75 years old and presently he is 81 years old. It is also submitted that the first accused had already undergone imprisonment for three months and he has also paid the compensation amount ordered by the trial Court. As far as the accused 2 and 3 are concerned, they have also paid the compensation amount as ordered by the trial court. As the accused 2 and 3 have obtained anticipatory bail they have not undergone any sentence. In such circumstances, the learned counsel for the petitioners pray this Court for modifying the order passed by the courts below.

4. The learned Government Advocate (Criminal side) appearing for the respondent would submit that since the first accused is 81 years old, he is leaving it to the Court for passing appropriate orders. However, he only submitted that in the event of reduction of the sentence, the accused may be directed to pay some more amount as compensation to the defacto complainant.

5. I heard the counsel for both sides and perused the materials placed on record. Having regard to the fact that the first revision petitioner/first accused is presently 81 years old, he has paid the compensation amount of Rs.25,000/- awarded by the trial court and also underwent sentence for a period of three months out of six months, while upholding the conviction imposed by the courts below on the first accused, the sentence alone is modified in so far as the first accused is concerned to that of the period of sentence already undergone by him. As far as the accused 2 and 3 are concerned, even though they have not undergone any sentence, having regard to the facts and circumstances, while upholding the conviction imposed on them, the sentence imposed on accused 2 and 3 is modified in to one of payment of compensation. Accordingly, the accused 2 and 3 are directed to pay a further sum of Rs.25,000/- each as compensation to the defacto complainant. Such amount of Rs.50,000/- (Rs.25,000/- each) shall either be paid directly to the defacto complainant or deposited to the credit of C.C. No. 8339 of 1999 on the file of Additional Chief Metropolitan Magistrate, Egmore, Chennai within a period of four weeks from the date of receipt of a copy of this order. If the amount is deposited by the accused 2 and 3, the defacto complainant shall be permitted to withdraw the said amount by the trial court on proper identification. On the other hand, if the amount of Rs.50,000/- is not paid by the accused 2 and 3 as mentioned above, they shall undergo simple imprisonment for three months. In such event, the trial Court shall take necessary steps to secure their presence so as to enable the accused 2 and 3 to undergo the period of sentence as indicated above.

6. Accordingly, the Criminal Revision Case is partly allowed.

Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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To

1. The Additional Sessions Judge
(Fast Track Court No.1)
Chennai
2. The Principal Sessions Judge,
Chennai (For Information)
3. The Additional Chief Metropolitan Magistrate
Egmore, Chennai.

4. The Chief Metropolitan Magistrate,
Egmore, Chennai.

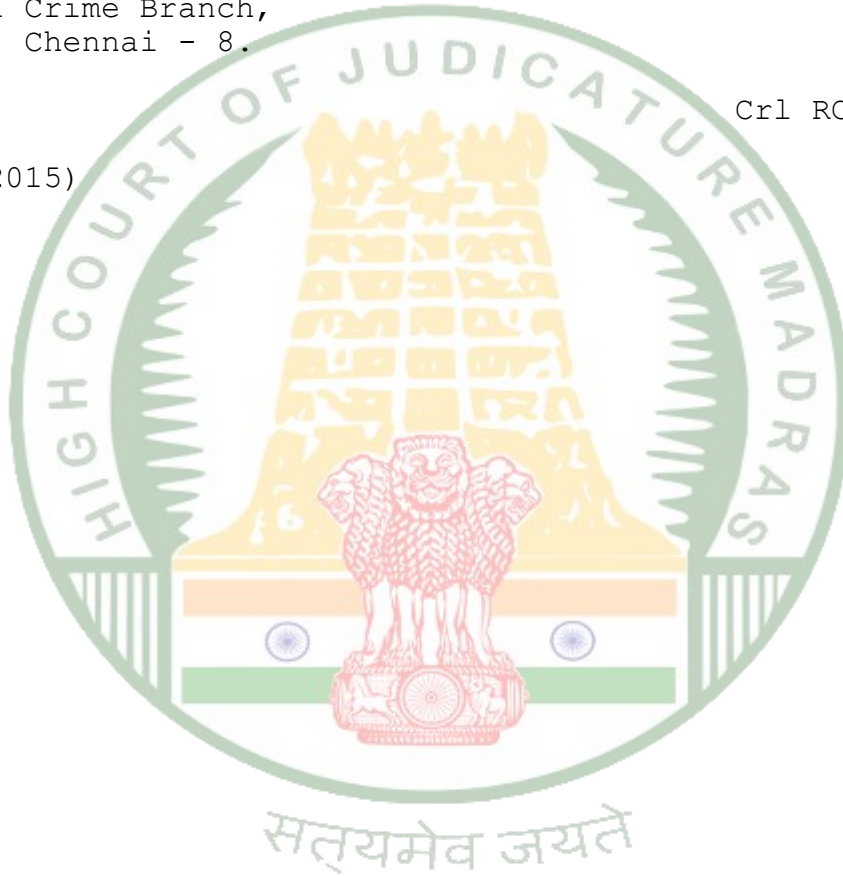
5. The Superintendent,
Central Prison,
Puzhal, Chennai - 66.

6. The Public Prosecutor,
High Court, Madras.

7. The Inspector of Police,
Central Crime Branch,
Egmore, Chennai - 8.

Cr1 RC No.438 of 2008

MSM(CO)
CA(04/08/2015)



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