

Bail Slip

That the petitioners/Accused No.3, namely Periasamy be and hereby is released on bail on dt. 14.06.2010 in MP.NO.1/2010 in Crl.RC.344/10;

That the petitioner/Accused namely John Peter @ Gopi be and hereby is released on bail dt. 23.03.2007 in MP.No.1/2007 in Crl.RC.484/2007;

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

CRL. R.C. Nos. 484 of 2007 and 344 of 2010

John Peter @ Gopi .. Petitioner in Crl.RC.484/2007/  
Accused  
Periasamy .. Petitioner in Crl.RC.344/2010/  
Accused No.3

Vs.

State rep. by  
The Inspector of Police  
Avinangudi Police Station  
Virudhachalam Taluk.  
(Crime NO.97/2007) .. Respondent in both Cr.R.Cs.

Criminal Revision Cases filed under Sections 397 read with 401 of the Criminal Procedure Code, against the Judgment dated 23.01.2007 passed in Crl.A. No. 118 of 2006, on the file of the Additional District Judge, (Fast Track Court No.III, Virudhachalam confirming the judgment of conviction and sentence dated 15.09.2006 passed in C.C. No. 29 of 2003 on the file of the learned District Munsif cum Judicial Magistrate, Tittakudi.

For Petitioner : Mr.M. V. Muralidharan  
in both Crl.R.Cs.

For Respondent : Mr.V.Arul  
in both Crl.R.Cs. Government Advocate (Crl.Side)

C O M M O N O R D E R

On 01.11.2002 at midnight, the petitioners along with other accused committed theft of gold and silver jewels worth about Rs.10,75,000/- from Sri Ganapathi Bankers and Pawnshop at Avinangudi.

The accused were caught and arrested. A case was registered in Cr. No.97/2002 and charge sheet was filed for offences under Section 457 and 380 of IPC. The Trial Court proceeded with the case. Out of 6 accused persons, 3 of them were continuously absent and absconding and hence the case against them was split up from the main case. The main case was proceeded against the 4<sup>th</sup> accused John Peter @ Gopi and 6<sup>th</sup> accused Periasamy/ the petitioners herein and the 1<sup>st</sup> accused Selvaraj. Ultimately, after trial, the Trial Court acquitted the 1<sup>st</sup> accused Selvaraj as not proved and convicted the accused for the offence punishable under Sections 457 and 380 of IPC and sentenced them to undergo three years rigorous imprisonment and to pay a fine of Rs.500/-, in default to pay the fine amount, to undergo rigorous imprisonment for a further period of three months for each offences and the sentences were ordered to run concurrently. Aggrieved by the same, the accused/ petitioners herein filed Crl. A. No. 118 of 2006 before the learned Additional District Judge, Fast Track Court-III, Vridhachalam and the same were dismissed by the Appellate Court, confirming the judgment of conviction and sentence imposed on the accused by the Trial Court. Aggrieved against the same, the petitioners have filed the present Criminal Revision Cases.

2. Today, when the matters were taken up, Mr. M.V. Muralidharan, learned counsel appearing for the petitioners/accused did not argue on merits but confined his argument only on the question of sentence imposed on the petitioner by the Courts below. He would submit that the 1<sup>st</sup> accused has been convicted by the lower court. He would further submit that the petitioner/ 2<sup>nd</sup> accused was aged only 22 years at the time of occurrence and he is the sole bread winner of the family and the other petitioner/ 3<sup>rd</sup> accused is 63 years old, suffering from various ailments and therefore, he prayed for showing leniency in reduction of sentence.

3. Mr.V.Arul, learned Government Advocate appearing for the respondent would contend that during the year 2002 itself the theft has been committed by breaking open a pawn broker shop and the accused have taken jewels worth more than Rs.10 lakhs, which values much more now. He further contended that the case is a long pending case and therefore the punishment is reasonable.

4. Heard both sides. By consent, all the Criminal Revision Cases are taken up for final disposal.

5. Taking into consideration the submission of the counsel for the petitioner that one of the petitioner is aged and suffering from various ailments the other aged 22 at the time of the occurrence, being the sole bread winner of the family, I am of the view that some leniency can be shown to the petitioners/accused in reducing the sentence. Accordingly, while confirming the conviction imposed by the Courts below, the sentence alone is reduced to one of 15 months instead of three years and the period already undergone by the petitioners/accused shall be deducted.

6. With the above modification in sentence, these Criminal Revision Cases are partly allowed.

Sd/-  
Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr  
To

1. Additional District Judge,  
(Fast Track Court No.III),  
Virudhachalam
  - 2.The District Munsif cum  
Judicial Magistrate, Tittakudi.
  3. The Inspector of Police, Avinangudi Police Station,  
Virudhachalam Taluk.
  4. The Chief Judicial Magistrate, Villupuram.
  5. The Superintendent, Central Jail, Cuddalore.
  6. The Public Prosecutor, High Court, Madras.
- + 1 cc to Mr.M.v. Muralidaran, Advocate Sr.30263

CRL. R.C. Nos. 484 of 2007  
344 of 2010

KM(CO)  
Eu 02.07.15

सत्यमेव जयते

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