

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.6.2015

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Crl.R.C.Nos.708 to 710 of 2008

J.Lawrence Peter

...Petitioner in all Crl.R.Cs

versus

State by Sub Inspector of Police,
Asthampatti Police Station,
Salem District

...Respondent in all Crl.R.Cs

Crl.R.C.No.708, 709, 710 of 2008 filed against the judgment in C.A.Nos.8, 9, 10 of 2008 dated 1.4.2008 on the file of the Additional District and Sessions Judge, Fast Track Court No.2, Salem.

For petitioner : Mr.M.V.Muralidharan

For respondent : Mr.V.Arul, Government Advocate

COMMON ORDER

The petitioner was tried in C.C.Nos.390, 391, 392 of 2006, on the file of Judicial Magistrate No.3, Salem. The petitioner was convicted for offence under section 457(2) and 380 IPC and sentenced to undergo six months rigorous imprisonment and imposed a fine of Rs.50/- in default, to undergo one month simple imprisonment.

2. Aggrieved by the said order, he preferred an appeal in C.A.Nos.8, 9, 10 of 2008, before the Additional District and Sessions Judge, Fast Track Court No.2, Salem, who upheld the conviction and sentence imposed on the petitioner and dismissed the appeal. Challenging the same, the present revision has been filed.

3. Inasmuch as two courts have already gone into the facts and given concurrent findings holding the accused guilty, it may not be necessary for me to go into the facts and circumstances of the case again. Moreover, this court sitting in revision is called upon to satisfy itself with the correctness, legality and propriety of the orders passed by the courts below, and not to re-appraise the

evidence. The case of the prosecution in brief is as follows:-

"a) Between 29.3.2006 and 30.3.2006, the petitioner has committed thieving in three different places and stole articles from houses. Complaints were lodged by the aggrieved persons and based on investigation, the police apprehended the petitioner/accused.

b) Three cases were registered against the petitioner and tried in C.C.Nos.390, 391, 392 of 2006, on the file of Judicial Magistrate No.3, Salem and he was convicted as aforesaid."

4. After making some elaborate arguments, the learned counsel for the petitioner confined his arguments with regard to sentence alone. The learned counsel submitted that the petitioner was aged 27 years at the time of incident and that the petitioner is repenting for his actions. The petitioner has undergone imprisonment for 1½ months. The learned counsel therefore prays for some mercy to be shown on the petitioner.

5. The learned Government Advocate (Criminal Side) opposed the prayer of the learned counsel for the petitioner for reduction of sentence.

6. On going through the entire materials placed on record, this Court is of the view that while confirming the conviction, sentence alone could be reduced. The learned counsel for the petitioner submitted that the petitioner has already undergone 1½ months sentence and that he is repenting for his crime. The learned Government Advocate submitted that the petitioner does not have any other previous case. Considering the above, the sentence of imprisonment is reduced to four months.

7. The revisions are disposed of accordingly. Consequently, M.P.s are closed. The court below is directed to secure the custody of the petitioner and make him undergo the remaining part of the sentence.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

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To

1.The Additional District and Sessions Judge,
Fast Track Court No.2,
Salem.

2.The Judicial Magistrate No.3,
Salem.

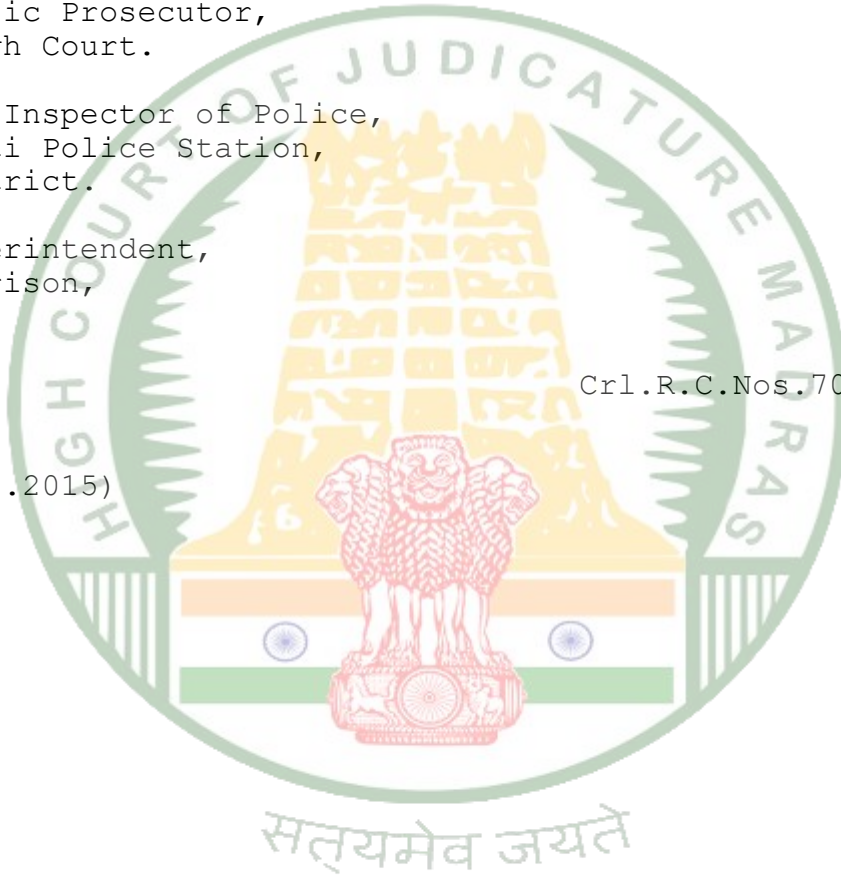
3.The Public Prosecutor,
Madras High Court.

4.The Sub Inspector of Police,
Asthampatti Police Station,
Salem District.

5.The Superintendent,
Central Prison,
Salem.

NM (CO)
PSI (08.07.2015)

CrI.R.C.Nos.708 to 710 of 2008



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