

Bail Slep

The Appellant /Accused viz., M.S.Ravi in all the Crl .R.C were directed to be released on bail as per the order of this Honourable Courts made in MPS 1/2008, date 11.7.2008 against the order of the order of the CA Nos.268/07 to 270/07 and 140/07 of the Additional District and sessions judge(FTC),Vellore for reference in Crl.R.C 969 to 972/08 on the file of lthis Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :15.7.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Petition Nos.969 to 972 of 2008

M.S.Ravi

.. Petitioner in all cases

Versus

State by Inspector of Police
C.C.I.W.C.I.D., Vellore,
Vellore District

.. Respondent in all cases

Criminal Revision cases filed under Section 397 and 401 of Cr.P.C. against the judgments dated 25.4.2008 and 03.4.2008 made in C.A. Nos.268 of 2007; 269 of 2007; 270 of 2007 and 140 of 2007 on the file of the Additional District and Sessions Judge, (Fast Track Court), Vellore confirming the judgment of the learned Judicial Magistrate No.II, Vellore in C.C.Nos.96 of 2003; 98 of 2003; 100 of 2003 and 11 of 2005 dated 24.10.2007 and 06.7.2007 respectively and set aside the same.

For Petitioner in all cases : Mr.E.Kannadasan

For Respondent in all cases : Mr.V.Arul
Government
Advocate (Crl.side)

C O M M O N O R D E R

The revision petitioners herein are the first accused in all the C.C.Nos.96 of 2003; 98 of 2003; 100 of 2003 and 11 of 2005 on the file of the learned Judicial Magistrate No.II, Vellore and he stands convicted for the offences under Section 406, 477-A and 408 IPC and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.500/- in default to undergo one month simple imprisonment for each offence and the sentence of imprisonment are ordered to run concurrently. The said conviction and sentence of imprisonment were

confirmed by the learned Additional District and Sessions Judge (FTC), Vellore. Aggrieved by the said conviction and sentence, the petitioner has preferred these Criminal Revision Cases.

2. Today, when the Criminal Revision cases are taken up for hearing, after elaborate arguments, the learned counsel for the petitioner brought to the notice of this Court that in similar circumstances, this Court, by order dated 27.7.2010, in CrI.RC.Nos. 709 to 804 of 2008, in respect of the very same offence, has modified the sentence to the period already undergone by the petitioner therein. Therefore, the learned counsel submitted that the same benefit may be given to the petitioner herein.

3. The learned Government Advocate (Criminal side) also admitted the said fact and prayed that the same order may be passed in these revision cases also. The learned Government Advocate also submitted that the other co-accused have been acquitted in these cases.

4. This Court, by order dated 27.7.2010, in CrI.RC.Nos. 709 to 804 of 2008, (GOVINDARAJAN V. STATE, THE INSPECTOR OF POLICE, CCIW/CID., VELLORE) in respect of the very same offence, has modified the sentence to the period already undergone by the petitioner therein. It is useful to extract paragraphs 7 and 8 of the said order, which reads thus:-

"7. Though the learned senior counsel has made a prayer to release the petitioner on Probation of Offenders Act, this Court feels that this is not a fit case for releasing the petitioner on Probation of Offenders Act. It appears from the evidence that the petitioner had indulged in malpractice, made false entries and misappropriated amounts of several members of the society. At the same time, as it is brought to the notice of this Court that the misappropriated amount has been repaid and the occurrence also relates to the period prior to 1998 and more than 12 years had elapsed, it would be appropriate to reduce the sentence of imprisonment imposed on the petitioner to the period already undergone by him. Accordingly sentence of imprisonment is modified to the period of imprisonment already undergone by the petitioner.

8. Except the above modification with regard to the sentence of imprisonment, all the revisions petitions are dismissed"

In the cases on hand, it is admitted that the petitioner has already undergone sentence for more than 20 days. It is also admitted that the entire amount has been repaid with interest. Therefore, I am of the view that the above order would squarely apply to the facts of the present cases.

5. Considering the submission made by the learned counsel on either side and the fact that the occurrence also relates to the period prior to 1998 and more than 12 years had elapsed and also considering the order dated 27.7.2010 in CrI.RC.Nos. 797 to 804 of

2008, I am inclined to reduce the sentence of imprisonment imposed on the petitioner to the period already undergone by him. Accordingly, while confirming the conviction of the Courts below, sentence of imprisonment alone is modified to the period of imprisonment already undergone by the petitioner.

With the above modification with regard to the sentence of imprisonment, all the revisions petitions are dismissed.

-Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1. The Additional District and Sessions Judge,
(Fast Track Court), Vellore
2. The Judicial Magistrate No.II, Vellore.
3. The Chief Judicial Magistrate, Vellore.
4. The Inspector of Police, CCIW CID, Vellore
5. The Principal Sessions Judge, Vellore.
6. The Superintendent, Central Prison, Vellore.
7. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.E.Kannadasan, Advocate (SR.36288)

सत्यमेव जयते

Cr1 RC No.969 of 2008

SCP(co)
cp 07.08.2015

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