

BAIL SLIP

CRL RC No 1007 of 2010

The Petitioner/Appellant/Accused viz R. Venkatesan S/o Rangasamy Naidu Aged 30 years was directed to released on bail as per order of this Court dated 07.10.2010 in CRL. MP No 1 of 2010 in CRL RC No 1007 of 2010.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2016

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CRL.R.C.No.1007 of 2010

R.Venkatesan ... Petitioner/Appellant/Accused

Vs.

The State rep.by
Inspector of Police,
Elavanasoorkottai Police Station,
Villupuram District
(Crime No.167/2006) ... Respondent/Respondent/Complainant

Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure against the order of the learned Principal Sessions Court, Villupuram made in C.A.No.37 of 2010 dated 20.09.2010, modifying the sentence and confirm in the fine amount imposed by order dated 22.07.2010 made in S.C.No.366 of 2009 on the file of the Learned Assistant Sessions Judge, Villupuram.

For Petitioner : Mr.C.Anbu, Legal Aid Counse
For Respondent : Mrs.M.F.Shabana, GA (Crl.side)

O R D E R

The petitioner has filed this revision against the order of the learned Principal Sessions Court, Villupuram made in C.A.No.37 of 2010 dated 20.09.2010, confirming the conviction and modifying the sentence and confirming the fine amount imposed by an order dated 22.07.2010 in S.C.No.366 of 2009 on the file of the learned Assistant Sessions Judge, Villupuram.

2. The trial Court had convicted the petitioner/accused for the offences under Sections 489(b) and 489(c) IPC and sentenced him to undergo seven years rigorous imprisonment for each of the offences and the sentences were directed to run concurrently. The trial Court was also imposed a fine of Rs.7,000/- for the offence under Section 489(b) IPC, in default, to undergo two years rigorous imprisonment. Challenging the above conviction and sentence, the petitioner filed an appeal before the appellate Court. The Appellate Court confirmed the conviction but modified the sentence imposed on the petitioner for each of the offences from seven years to one year rigorous imprisonment. Challenging the same, the petitioner has filed the present revision petition.

3. The case of the prosecution is that P.W.1, was working in a petrol bunk, lodged a complaint before the Police stating that a 100 rupee note given by the petitioner/accused for filling the diesel, was a counterfeit currency. P.W.4 Sub Inspector of Police registered a case. He proceeded the scene of occurrence and obtained statement from the witnesses and recovered 100 rupee notes. He arrested the accused and on completion of the investigation, charge sheet was filed against the accused.

4. The Trial Court after considering the evidence, convicted the accused and sentenced him to undergo 7 years rigorous imprisonment for the offences under Sections 489(b) and 489(c) IPC each. The appellate Court modified the sentence of imprisonment from seven years to one year rigorous imprisonment and confirmed the fine amount.

5. Learned counsel for the petitioner would submit that there is a delay in lodging the FIR, which creates a doubt in the case of the prosecution. The denomination in the counterfeit notes seized from the petitioner had not been clearly proved by the prosecution and there is no evidence to implicate the accused in the offence. Hence, he prayed for acquittal.

6. The learned Govt. Advocate (Crl. Side) appearing for the respondent would submit that from the evidence of P.Ws.1 and 3, who are working in the petrol bunk, found that the counterfeit notes were given by the petitioner at the time of filling diesel. Hence, the evidence of P.Ws.1 and 3 would prove the case of the prosecution. Both the Courts below concurrently held against the petitioner and there is no valid reason to differ from the same.

7. Heard both sides and perused the materials available on record.

8. It is seen that P.W.1 who was working in the petrol bunk, received the money for the filling of diesel from the petitioner and the money so tendered by the petitioner/accused is counterfeit currency note. P.W.3 who was also working in the same petrol bunk, also spoke about the said tendering of counterfeit currency note by the petitioner. Hence from the evidence of P.Ws.1 and 3, it is clear that the petitioner, with full knowledge that he is tendering counterfeit currency note, has tendered the same in the petrol bunk. The counterfeit currency note tendered by the petitioner/accused is confirmed from the evidence of P.W.2, the Scientific Assistant who examined the currency. In the above circumstances, the prosecution has duly proved its case beyond reasonable doubt. Hence, there is no reason to interfere with the conviction imposed on the petitioner. Hence, this revision is liable to be dismissed.

9. Accordingly, the revision petition is dismissed, confirming the judgment of conviction and sentence imposed on the petitioner by the appellate Court. Since pending revision petition, the petitioner/accused is on bail, the trial Court is directed to take steps to secure his custody, to undergo the remaining period of sentence, if any.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

To

1. The Principal Sessions Court, Villupuram
2. The District Collector, Villupuram
3. The Principal Assistant Sessions Court, Villupuram
4. The 1st Additional District Munsif Court as Judicial Magistrate No I Ulunderpet.
5. The Superintendent, Central Prison, Cuddalore (Induplicate)
6. The Public Prosecutor, High Court, Madras
7. The Inspector Of Police Elavanasoorkottai police station
8. District General of Police, Mylapore Chennai
9. Section Officer, Criminal Section, High Court, Chennai-104
- +1 CC to Mr. C. Anbu Advocate sr 75948

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