

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2016

(Orders Reserved on : 08.06.2016)

CORAM:

THE HONOURABLE MR.JUSTICE G.CHOCKALINGAM

Crl.R.C.No.1121 of 2008

Seeyathammal ... Petitioner/Prosecution
Witness

Vs.

1. Vinayagamoorthy ... Respondent/Sole Accused

2. State, Represented by,
Sub-Inspector of Police,
V-4, Rajamangalam Police Station,
Crime No.350 of 1999
Chennai - 600 099. ... Respondent/Complainant

Prayer: Criminal Revision Case filed under Sections 397 and 401 of the Code of Criminal Procedure, praying to enhance the sentence rendered by the learned 10th Metropolitan Magistrate, Chennai @ Egmore by his judgment dated 30.05.2008 in C.C.No.7133 of 1999 against the first respondent.

For Petitioner : Mr.R.John Sathyan

For R-1 : Mr.Vinayagamoorthy
(Party-in-person)

For R-2 : Mr.Mohammad Riyaz,
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case is directed against the order dated 30.05.2008 passed by the learned 10th Metropolitan Magistrate, Egmore, Chennai, in C.C.No.7133 of 1999.

2. Heard Mr.R.John Sathyan, learned counsel appearing for the petitioner and the first respondent namely, Mr.Vinayagamoorthy, who appeared as party-in-person and the learned Government Advocate (Crl.Side) appearing for the second respondent State.

3. The learned counsel appearing for the petitioner would submit that on the basis of the complaint given by the de facto

complainant, who is the petitioner herein, the Sub-Inspector of Police, V-4, Rajamangalam Police Station has registered a case in Crime No.350 of 1999 against the first respondent herein and the said case was taken on file by the learned 10th Metropolitan Magistrate, Egmore, Chennai, in C.C.No.7133 of 1999. The learned 10th Metropolitan Magistrate, conducted trial and finally, convicted the first respondent/accused for the offence punishable under Section 417 of IPC and sentenced to undergo simple imprisonment till raising of the Court and imposed a fine of Rs.4,000/-, in default, undergo two months simple imprisonment and out of the said fine amount, a sum of Rs.3,800/- has to be paid to the petitioner as compensation. As against the said order, the present criminal revision case is preferred by the petitioner/de facto complainant.

4. It is further submitted that the charge under Section 417 of IPC is proved beyond reasonable doubt. But the trial Court, has not given major punishment and only awarded punishment till raising of the Court and imposed a fine of Rs.4,000/-. The trial Court ought to have imposed punishment in accordance with law in the manner prescribed without any sense of sympathy. In view of the above circumstances, the learned counsel for the petitioner prayed that the sentence imposed by the learned 10th Metropolitan Magistrate, Egmore, Chennai, has to be enhanced.

5. The first respondent, who appeared as party-in-person submitted written arguments stating that he was in jail for 40 days and he was very poor and hence, he prayed that the revision petition may be dismissed.

6. In this case, originally, the complaint was given under Sections 417 and 420 IPC. The charge under Section 420 of IPC is not proved by the prosecution and the charge under Section 417 of IPC alone is proved. The trial Court, after considering the entire evidence, awarded appropriate punishment according to law. There is no infirmity or illegality in the order passed by the learned 10th Metropolitan Magistrate, Egmore, Chennai. This Court finds no reason to enhance the punishment awarded by the trial Court and hence, the criminal revision case is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. 10th Metropolitan Magistrate,
Egmore, Chennai.[Now functioning at Allikulam Complex, Park
Town, Chennai.
2. The Sub-Inspector of Police,
V-4, Rajamangalam Police Station,
Chennai - 600 099.
3. The Public Prosecutor,
High Court, Madras.

+1cc to R.Vinayagamurthy, Party in Person SR.36181

Order made in
Crl.R.C.No.1121 of 2008

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srg 14/07/2016



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