

BAIL SLIP

The Revision Petitioner herein/Accused Viz., G.Gnanasekar S/o.Govindaraj was released on bail by order of this Court dated 13/5/2010 made in Crl.MP.No.2/2010 in Crl.R.C.516/2010 on the file a this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2016

CORAM

THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.No.516 of 2010

G.Gnanasekar
S/o.Govindaraj Petitioner/Accused

vs.

State represented by
The Sub-Inspector of Police,
Magudanchavadi Police Station,
Salem District.
Crime No.513 of 2004 Respondent/Complainant

Criminal Revision filed under section 397 & 401 of the Code of Criminal Procedure, against the judgment of learned Additional District and Sessions Judge, Fast Track Court II, Salem, passed in C.A.No.157 of 2009 on 25.03.2010 confirming the judgment of learned Judicial Magistrate II, Sankari, Salem District, passed in C.C.No.208 of 2005 on 10.12.2009.

For Petitioner : Mr.B.Vasudevan

For Respondent : Mr.C.Iyyapparaj
Government Advocate (Crl.side)

O R D E R

This revision is preferred against two concurrent judgments of Courts below convicting the petitioner for offence u/s.379 IPC and sentencing him to 2 years R.I.

2. Petitioner and two others faced trial for offence u/s.379 IPC in C.C.No.208 of 2005 on the file of learned Judicial Magistrate II, Sankagiri. The prosecution case is that on 15.09.2004 between 04.00 and 06.00 p.m., the petitioner/accused committed theft of 10 sarees and 25 petticoats of value of Rs.7,250/-. A case was registered in Crime No.513 of 2004 on the file of respondent. Upon completion of investigation, a charge sheet was laid informing commission of offence u/s.379 IPC.

3. Before the trial Court, the prosecution examined seven witnesses and marked eight exhibits and two material objects. None were examined on behalf of the defence nor were any exhibits marked. On appreciation of materials before it, trial Court, under judgment dated 10.12.2009, convicted petitioner/accused for offence u/s.379 IPC and sentenced him to 2 years R.I. There against, petitioner moved C.A.No.157 of 2009 on the file of learned Additional District and Sessions Judge, Fast Track Court II, Salem, which came to be dismissed under judgment dated 25.03.2010. Hence, this revision.

4. Learned counsel for petitioner submits that the petitioner has served a sentence of 4 months and 19 days. Submitting as above, learned counsel prays this Court to show leniency on the question of sentence.

5. Heard learned Government Advocate [Crl.side] on the above submissions.

6. On perusal of the papers, this Court finds no error in the judgment of conviction arrived at by Courts below. Even while confirming the finding of conviction entered upon by Courts below, this Court, taking into consideration the nature of offence alleged against the petitioner/A2, the fact that the petitioner has already served a sentence of 4 months and 19 days and the offence is of the year 2004, considers it appropriate to reduce the sentence to the period already undergone. Accordingly, the sentence of imprisonment against petitioner shall be treated as already undergone.

This Criminal Revision is disposed of with the above modification.

-s/d-
Assistant Registrar

True Copy

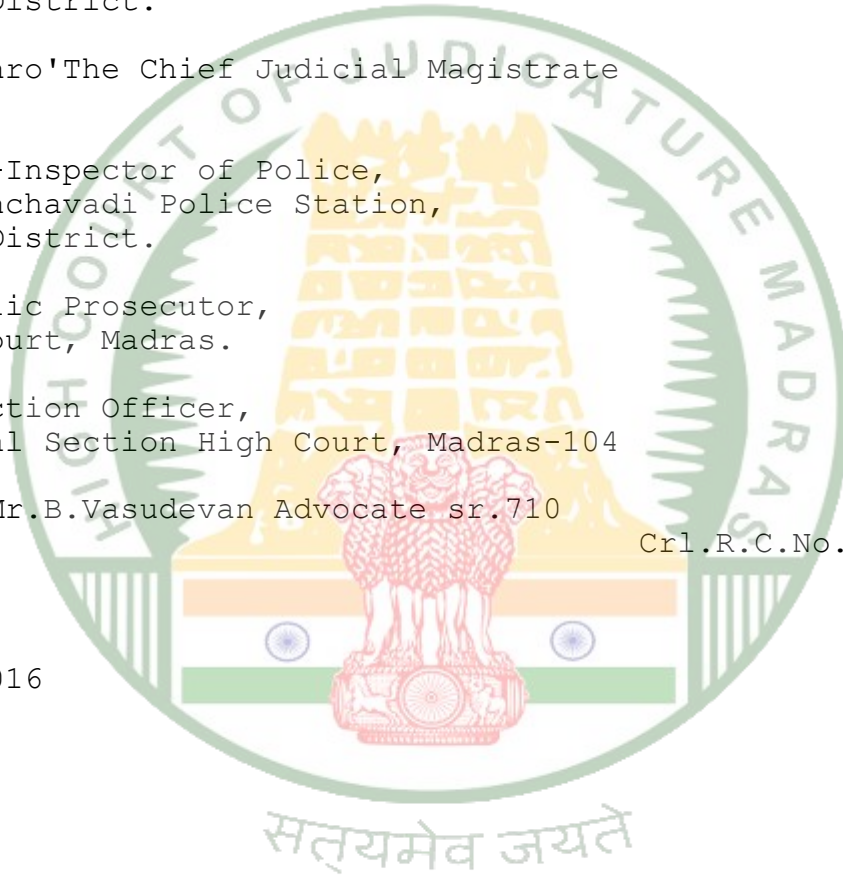
Sub-Assistant Registrar

To

- 1.The Additional District and Sessions Judge,
Fast Track Court II,
Salem.
2. -do-Thro'The Principal Sessions Judge,
Salem
- 3.The Judicial Magistrate II,
Sankari,
Salem District.
4. -do- Thro'The Chief Judicial Magistrate
Salem
- 5.The Sub-Inspector of Police,
Magudanchavadi Police Station,
Salem District.
- 6.The Public Prosecutor,
High Court, Madras.
7. The Section Officer,
Criminal Section High Court, Madras-104
- +1 cc to Mr.B.Vasudevan Advocate sr.710

Cr1.R.C.No.516 of 2010

msm(co)
aa10/03/2016



WEB COPY