

Bail Slip

The Appellant/Accused namely G.Gnanasekaran S/O.Govindaraj was directed to be released on bail as per order of this Court dated 13/5/10 in MP.No.2 of 10 in Crl Rc.No.517/2010 on the file of 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.517 of 2010

G.Gnanasekaran
S/o.Govindaraj ... Petitioner/Accused

vs.

State represented by
The Sub-Inspector of Police,
Magudanchavadi Police Station,
Salem District.
Crime No.111 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.156 of 2009 on 25.03.2010 confirming the judgment of learned Judicial Magistrate II, Sankari, Salem District, passed in C.C.No.250 of 2005 on 07.12.2009.

For Petitioner : Mr.B.Vasudevan

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

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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 faced trial for offence u/s.379 IPC in C.C.No.250 of 2005 on the file of learned Judicial Magistrate II, Sankagiri. The prosecution case is that on 07.03.2004 at

about 10.15 a.m., the petitioner/accused entered the godown of Imperial Textile Mills and committed theft of silk yarn of value of Rs.5,000/-. A case was registered in Crime No.111 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 five exhibits and one material object. None were examined on behalf of the defence nor were any exhibits marked. On appreciation of materials before it, trial Court, under judgment dated 07.12.2009, convicted petitioner/accused for offence u/s.379 IPC and sentenced him to 2 years R.I. There against, petitioner moved C.A.No.156 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 64 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 fact that the petitioner has already served a sentence of 64 days for offence committed 12 years ago and that no loss has been occasioned to the de facto complainant, 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.

Sd/-
Assistant Registrar(CS II)

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Sub Assistant Registrar

To

1.The Additional District and Sessions Judge,
Fast Track Court II,
Salem.

2.The Judicial Magistrate II,
Sankari,
Salem District.

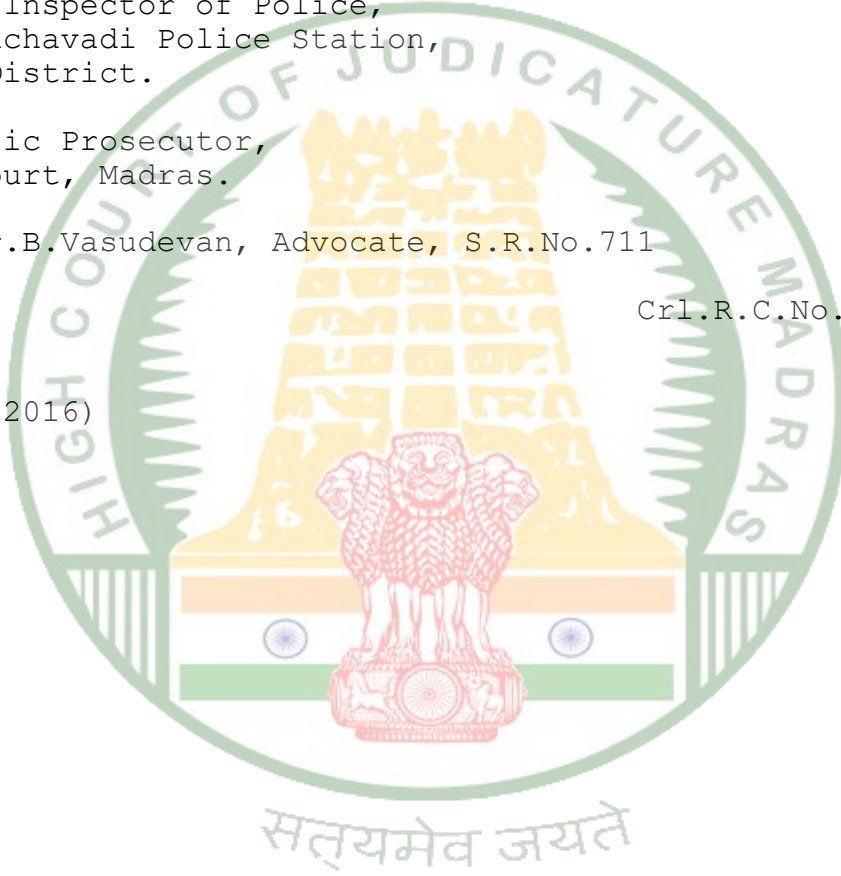
3.The Sub-Inspector of Police,
Magudanchavadi Police Station,
Salem District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Vasudevan, Advocate, S.R.No.711

CrI.R.C.No.517 of 2010

kk(CO)
srg(09/03/2016)



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