

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.08.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Crl.R.C.No.544 of 2009

Ravichandran

.. Petitioner

Vs.

State rep by
Sub Inspector of Police,
District Crime Branch
Cuddalore.

.. Respondent

Prayer :- Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C. to call for the records and set aside the conviction and sentence passed against the revision petitioner by the Judicial Magistrate No.II, Cuddalore in CC.No.233 of 2001 dated 29.03.2005 confirmed by the Additional District cum Sessions Judge, Fast Track Court No.II, Cuddalore in CA.No.38 of 2005 dated 04.06.2009.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : M/s.M.F.Shabana, GA (Crl.side)

ORDER

The criminal revision petition is directed against the order passed by the learned Additional District-cum-Sessions Judge, Cuddalore made in Crl.A.No.38 of 2005 dated 04.06.2009 confirming the order of the learned Judicial Magistrate No.II, Cuddalore made in CC.No.233 of 2001 dated 29.03.2005.

2.The brief facts of the case is as follows :-

The Inspector of Police, District Crime Branch, Cuddalore investigated the offence in Cr.No.4 of 2000 and filed charge sheet before the Judicial Magistrate No.II, Cuddalore against the present revision petitioner for the offences under Section 465, 468, 471 and 420 IPC. The trial Court after considering the evidence and documents adduced on the side of the prosecution found charges proved against the accused under Sections 465, 468, 471 and 420 IPC and convicted the accused under Sections 465 - rigorous imprisonment for six months, 468 - rigorous imprisonment for six months and fine of Rs.500/- in default to undergo further three months of RI, 471 - rigorous imprisonment for six months and 420 - rigorous imprisonment for six months and fine of Rs.500/- in default to undergo further

three months of RI and ordered the punishment to run concurrently. Against the said order, the revision petitioner preferred criminal appeal before the Additional District and Sessions Judge, Cuddalore in CrI.A.No.38 of 2005, the lower appellate court after appreciating the entire documents and judgment of the trial Court confirmed the sentence passed by the trial Court on 04.06.2009. Aggrieved over the same, the revision petitioner is before this Court by way of present criminal revision.

3.The learned counsel for the petitioner contended that it is case of the prosecution that the accused has forged documents to secure job in a primary school, the respondent examined six witnesses and marked Exs.1 to 9, the trial Court convicted the accused. During the course of arguments the learned counsel for the petitioner submitted an affidavit stating that the petitioner is now affected with various ailments i.e, the petitioner underwent kidney transplantation on 12.11.2014 and requires extreme medical care, the kidney was donated by his wife/Kala. Again due to lack of blood circulation anjique was done at Madras Medical Mission Hospital on 09.07.2015 and further there is disability of 45% in the left leg. He further submitted that the petitioner has already under the detention custody for 23days from 14.06.2000 to 16.06.2000 and 04.06.2009 to 23.06.2009 and another three days for executing non bailable warrant, totally he suffered 26days in detention and prays this Court to set off the remaining period of detention and the sentence may be reduced to the period undergone by the petitioner and allow the revision petition.

4.The learned Government Advocate (crl.side) filed status report stating that the petitioner/accused remand for a period of 3 days i.e, 14.06.2000 to 16.06.2000 and conviction period of 20days i.e, 04.06.2009 to 23.06.2009 and 30.04.2011 to 03.05.2011, totally 26 days.

5.In this case, the learned counsel for the petitioner admitted the offence and submitted that he is not arguing the case on merits, but prayed leniency of this Court to set off the sentence imposed on the petitioner/accused by treating the period of detention undergone by the petitioner.

6.Considering the submission of the learned counsel for the petitioner, the petitioner has undergone kidney transplantation and suffered with other ailments and also taking note of the fact that the petitioner was found guilty of the offences, this Court is inclined to modify the order of the trial Court to the extent that the period of 26days already undergone by him, be treated as that of imprisonment of the said sentence and that the fine amount imposed on the accused be confirmed.

7. In the result, the criminal revision is partly allowed, by modifying the order of the trial Court to the extent that the period of 26 days already undergone by him, be treated as that of imprisonment of the said sentence and that the fine amount imposed on the accused be confirmed. The petitioner/accused shall be set at liberty, if his detention is not required in any other case.

tsh

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

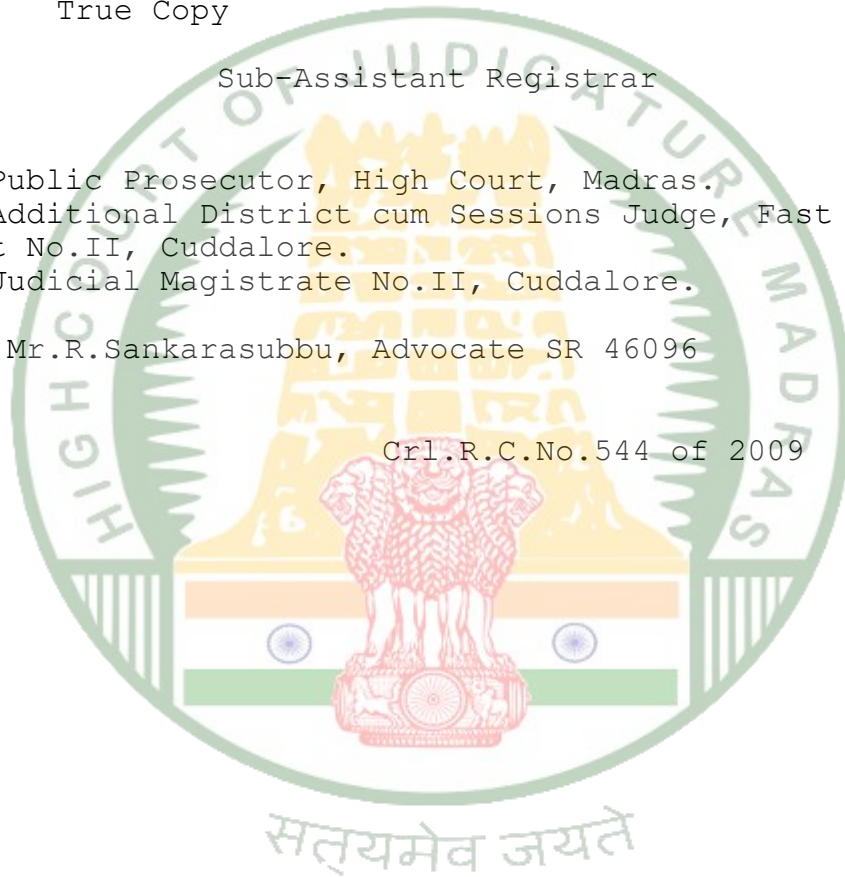
To

1. The Public Prosecutor, High Court, Madras.
2. The Additional District cum Sessions Judge, Fast Track Court No.II, Cuddalore.
3. The Judicial Magistrate No.II, Cuddalore.

+ 1 cc to Mr.R.Sankarasubbu, Advocate SR 46096

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