

Crl.R.C.Nos.127 & 128 of 2017

RMT.TEEKAA RAMAN, J.

The third respondent has filed charge sheet in Crime No.8 of 2000, for the alleged offence under Section 120(b), 408, 477, 420 of IPC and same was taken on file as C.C.No.69 of 2005, before the learned District Munsif cum Judicial Magistrate, Valparai.

2.The main ground for the charge is that the accused persons were working as Section Officer and Assistant Section Officer in the Anaimudi Estate, Mudis owned by the Bombay Burma Trading Corporation Limited and had misappropriated the funds of the defacto complainant.

3.After trial, the learned Judge has convicted both the accused for the offence under Section 408 of IPC and sentenced them to undergo two years simple imprisonment and to pay a fine of Rs.5,000/- and in default to undergo six months simple imprisonment and also convicted them for the offence under Section 477 (A) of IPC and sentenced to undergo two years simple imprisonment and to pay a fine of Rs.5,000/- and in default to undergo six months simple imprisonment; further held that imposed sentences on both the accused shall be tried concurrently and the sentences imposed for default of payment of fine shall be tried separately and as per Section 428 of Cr.P.C., the period in which the first accused undergone during remand shall be set off from the main sentence.

RMT.TEEKAA RAMAN, J.

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4. Aggrieved against the said conviction and sentence the accused persons viz., D.Manuel and Sathyanathan, have preferred an appeal in C.A.No.147 of 2014 and the defacto complainant viz., Divakaran Moorkath has preferred C.A.No.49 of 2015, for enhancement of punishment, before the learned III Additional District and Sessions Judge, Coimbatore. After trial, the appeal preferred by the convicted persons was allowed and the appeal preferred by the defacto complainant for encasement was dismissed. Hence, present Criminal Revision Cases.

5. A learned Senior Advocate is said to have been engaged by the learned counsel for the revision petitioner. Post the matter on 20.09.2021.

25.08.2021

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