

Bail Slip

The Petitioner/Accused viz R.Kanniappan S/o.Ramasamy, was released on bail as per the order of this court dated 05/08/2011 in MP.NOs.1 & 1/11 in Crl.Rc.Nos.1068 & 1074/11 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2017

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THE HONOURABLE MR. JUSTICE C.T.SELVAM

Crl.R.C.Nos.1068 and 1074 of 2011

R.Kanniappan
S/o.Ramasamy

... Petitioner in both Crl.R.Cs.

-Vs-

State by
Sub-Inspector of Police,
CCIWCD,
Kanchipuram.
Crime No.1 of 2005.

... Respondent in both Crl.R.Cs.

Criminal Revisions filed under section 397 r/w 401 of the Code of Criminal Procedure against judgment of learned Additional District Judge, Fast Track Court No.1, Chengalpet, passed in C.A.Nos.138 and 139 of 2008 on 14.06.2011, confirming the judgment and conviction of the petitioner in C.C.No.112 dated 15/07/08 and 113 of 2005 dated 10.07.2008 respectively passed by learned Judicial Magistrate-I, Chengalpet.

For Petitioner : Mr.P.R.Dinesh Kumar

For Respondent : Mr.V.Arul
Additional Public Prosecutor

COMMON ORDER

These Criminal Revision Cases arise against the judgment of learned Additional District Judge, Fast Track Court No.1, Chengalpet, passed in C.A.Nos.138 and 139 of 2008 on 14.06.2011, confirming the judgment and conviction of the petitioner in C.C.No.112 and 113 of 2005 dated 10.07.2008 respectively passed by learned Judicial Magistrate-I, Chengalpet.

2. Prosecution case is that the petitioner/accused was working as Secretary in Kattaikadu Primary Agricultural Co-operative Bank from 9.11.1979 to 31.12.2002 till his suspension. As per resolution, accused had been authorised to sign in the cash transactions and receipt books of the Bank. Further, as per the bye-law of the bank he had been responsible for all cash transactions and proceedings of the Bank. He was also the Administrative Head of the Bank as per Section 84 of the Tamil Nadu Co-Operative Societies Act, 1983. Petitioner/accused misappropriated a sum of Rs.3,04,484.50 [Rs.1,52,242.25/- in each case]. A Case in Crime Nos.1/2005 on the file of respondent has been registered for offences u/s.408 and 477(A) IPC. Upon completion of investigation and filing of charge sheet, the case was tried in C.C.Nos.112 and 113 of 2005 on the file of learned Judicial Magistrate-I, Chengalpattu.

3. Before trial Court, prosecution examined 12 witnesses and marked 33 exhibits. None were examined on behalf of defence nor were any exhibits marked.

4. On appreciation of materials before it, trial Court, under judgments dated 10.07.2008 and 15.07.2008, convicted petitioner/accused for offence u/s.408 and 477(A) IPC and sentenced him to 2 years R.I. and fine of Rs.500/- i/d 3 months R.I for offence u/s 408 IPC and to 2 years R.I. and fine of Rs.500/- i/d 3 months R.I for offence u/s 477 IPC in each case. There against, petitioner/accused preferred C.A.Nos.138 and 139 of 2008 on the file of learned Additional District Judge, Fast Track Court No.I, Chengalpattu, which Court, under judgments dated 14.06.2011, while confirming the conviction of the accused, reduced the sentence to one of six months R.I. and confirmed the fine amount. Hence, these revisions.

5. Heard learned counsel for petitioner and learned Additional Public Prosecutor for respondent.

6. Learned counsel for petitioner submits that petitioner is now aged 67 years and suffers from several ailments including diabetes.

7. The finding arrived at by Courts below in convicting the accused are well-justified. However, taking into consideration the facts and circumstances of the cases, this Court, while confirming the finding of conviction, would reduce the period of sentence to the period of 72 days already undergone by

petitioner and enhance the fine imposed on him to Rs.20,000/- (Rupees twenty thousand only) in each case. Fine shall be paid within a period of two months from the date of receipt of this order i/d 3 months R.I.

This Criminal Revision is disposed of with the above modification.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional District Judge,
Fast Track Court No.1, Chengalpet.

2. The Judicial Magistrate-I,
Chengalpet.

3.The Chief Judicial Magistrate,
Chengalpattu.

4.The Sub-Inspector of Police,
CCIWCID, Kanchipuram.

5.The Superintendent,
Central prison,
Puzhal, Chennai.

6. The Public Prosecutor,
High Court, Madras.

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