

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2017

CORAM:

THE HON'BLE MR.JUSTICE C.T.SELVAM

Crl.R.C.Nos.1114, 1115, 1116, 1117, 1118,
1119, 1120, 1121, 1122 and 1123 of 2010

T.Adhimoolam
S/o.Thiruchitrambalam

... Petitioner in all
Revisions

Vs.

State represented by
Inspector of Police,
District Crime Branch,
St.Thomas Mount,
Chennai - 600 016.
Crime No.7 of 1999

... Respondent in all Revisions

Criminal Revisions filed under Section 397 and 401 Cr.P.C. against the common judgment of learned Additional District Judge, Fast Track Court III, Thiruvallur, passed in C.A.Nos.45, 46, 47, 48, 49, 50, 51, 52, 53 and 54 of 2007 on 26.05.2010 confirming the judgments of learned Judicial Magistrate I, Poonamallee, passed in C.C.Nos.277, 278, 279, 280, 281, 282, 283, 284, 285 and 286 of 2002 on 15.07.2005.

For Petitioner : Mr.C.S.Dhanasekaran
for M/s.C.S.Associates

For Respondent : Mr.V.Arul
Additional Public Prosecutor

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COMMON ORDER

These revisions arise against the common judgment of learned Additional District Judge, Fast Track Court III, Thiruvallur, passed in C.A.Nos.45, 46, 47, 48, 49, 50, 51, 52, 53 and 54 of 2007 on 26.05.2010 confirming judgments of learned Judicial Magistrate I, Poonamallee, passed in C.C.Nos.277, 278, 279, 280, 281, 282, 283, 284, 285 and 286 of 2002 on 15.07.2005.

2. Prosecution case is that petitioner/A2, while working as Revenue Supervisor, Tamil Nadu Electricity Board, Radha Nagar, Chrompet, and in charge of remitting daily cash collections in the bank, has connived with first accused, Inspector of Assessment, and embezzled Rs.3,41,255/- between June 1997 and February 1999. PW-1, Assistant Executive Engineer, preferred complaint to Inspector of Police, District Crime Branch, St.Thomas Mount, Chennai and case was registered in Crime No.7 of 2009 on the file of respondent. Upon completion of investigation and filing of charge sheet informing commission of offences u/s.409 and 477-A r/w 34 IPC, the cases were tried in C.C.Nos.277, 278, 279, 280, 281, 282, 283, 284, 285 and 286 of 2002 on the file of learned Judicial Magistrate I, Poonamallee.

3. Before the trial Court, the prosecution examined eight witnesses and marked twenty four exhibits. None were examined on behalf of the defence nor were any exhibits marked. On appreciation of materials before it, trial Court, under judgments dated 15.07.2005, convicted the accused for offences u/s.409 and 477-A r/w 34 IPC and sentenced them to pay fine of Rs.250/- i/d 6 months S.I. and till the rising of the Court for each of the offences. The appeals preferred by petitioner/A2 in C.A.Nos.45, 46, 47, 48, 49, 50, 51, 52, 53 and 54 of 2007 on the file of learned Additional District Judge, Fast Track Court III, Thiruvallur, came to be dismissed under common judgment dated 26.05.2010. Hence, these revisions.

4. Heard learned counsel for petitioner and learned Additional Public Prosecutor.

5. In confirming the finding of conviction, Appellate Court has found that having failed to cross-examine prosecution witnesses despite sufficient opportunity having been afforded, it was not open to accused to contend that confession letters were obtained from them under coercion and such contention clearly was an afterthought. Evidence of PW-3 clearly revealed that both accused were hand-in-glove in committing offences and further, first accused, who was subordinate to the second accused, could not have committed such offence without the help of second accused. Though the accused prayed for relief under the Probation of Offenders Act, Appellate Court has held that the Act is mainly intended for first time offenders and not for accused like petitioner herein, who are habitual offenders. Appellate Court has found that trial Court, took into consideration all aspects and accordingly, passed only a minimum sentence in all cases. This Court finds that a well-reasoned approach has been adopted by the appellate Court in confirming the findings of trial Court.

These Criminal Revision Cases are dismissed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

gm

To

1. The Additional District Judge,
Fast Track Court III,
Thiruvallur.
2. The Judicial Magistrate I,
Poonamallee.
3. The Inspector of Police,
District Crime Branch,
St.Thomas Mount,
Chennai - 600 016.
4. The Public Prosecutor,
High Court, Madras.

+2cc's to M/s.C.S.Associates, Advocate, S.R.No.50190

CrI.R.C.Nos.1114, 1115, 1116, 1117, 1118,
1119, 1120, 1121, 1122 and 1123 of 2010

SK(CO)
CA(11/08/2017)

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