

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.2718 of 2012

G.Vijayalakshmi

... Petitioner

V.

State by
The Inspector of Police
Central Crime Branch,
Egmore, Chennai.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to set aside the judgment dated 09.02.2011 in Crl.R.C.No.94 of 2010 on the file of the learned VI Additional Session Judge, Chennai only in respect of partly allowing and confirming the judgment and conviction passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai in C.C.No.3069 of 2007 convicting the petitioner herein and acquit the petitioner.

For Petitioner : Mr.Prem Narayanan
for Mrs.Sasikala Subramanian

For Respondent : Mr.C.Iyyapparaj, APP

ORDER

This petition has been filed by the petitioner to set aside the judgment passed by the learned VI Additional Sessions Judge, Chennai in partly allowing the petition by confirming the judgment and conviction passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai in C.C.No.3069 of 2007 and to acquit her.

2.Heard Mr.Prem Narayanan, learned counsel for the petitioner as well as Mr.C.Iyyapparaj, learned Additional Public Prosecutor for the respondent.

3.The petitioner, while employed as a teacher was implicated for producing a bogus salary certificate and thereby charged under Sections 420, 468, 471, 465 r/w.34 IPC before the learned XI Metropolitan Magistrate, Saidapet, Chennai. The petitioner, who was arrayed as a second accused had pleaded guilty. The learned Magistrate while convicting the petitioner for the offence, had convicted her to undergo sentence for a period of 18 days and the period of detention of 18 days already undergone by the petitioner was set off against the sentence of imprisonment. In the said judgment, the petitioner was also directed to execute a bond of Rs.10,000/-.

4. Aggrieved against the sentence passed, the petitioner herein had preferred a revision in CrI.R.C.No.94 of 2010 on the file of the learned VI Additional Sessions Judge, Chennai and by a judgment dated 09.02.2011, the petitioner's conviction and sentence to undergo 18 days imprisonment was confirmed and the order directing her to maintain good behaviour for a period of two years was set aside. As against the same, the present petition has been filed.

5. The petitioner herein had pleaded guilty for the offences under Sections 420, 468, 471, 465 r/w.34 IPC. In connection with her involvement in the aforesaid crime, departmental action has been initiated against her and a punishment of compulsory retirement was imposed and her retirement benefits has also been withheld. The learned counsel for the petitioner submitted that the petitioner does not intend to go into the merits of the conviction and that if some indulgence is shown in her favour to enable her to receive her retirement benefits, she would be satisfied.

6. The petitioner having pleaded guilty and having been sentenced to undergo imprisonment of 18 days, may not be entitled to argue on the merits of the case in view of the bar under Sections 375

and 376 of Cr.P.C. It is submitted that the petitioner is a first time offender and does not involved in any other criminal offence.

7.Taking into account of the fact that the petitioner is a first time offender and that she has pleaded guilty before the trial court and also of the fact that she has been maintaining peace and keeping her good behaviour, it would be appropriate to release the petitioner on probation of good conduct.

8.Since this Court is of the view that the petitioner can be released on probation of good conduct under Section 4 of the Probation of Offenders Act, 1958, the petitioner shall not suffer any disqualification attached to her original conviction passed in C.C.No.3069 of 2007 by the learned XI Metropolitan Magistrate, Saidapet, Chennai. In the result, the Criminal Original Petition stands partly allowed. The judgment dated 09.02.2011 passed by the learned VI Additional Sessions Judge, Chennai in CrI.R.C.No.94 of 2010, confirming the judgment and sentence passed in C.C.No.3096 of 2007 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai is modified and the petitioner is ordered to be released on probation of good conduct under Section 4 of the Probation of Offender Act, 1958. Consequently, the petitioner shall not suffer any disqualification

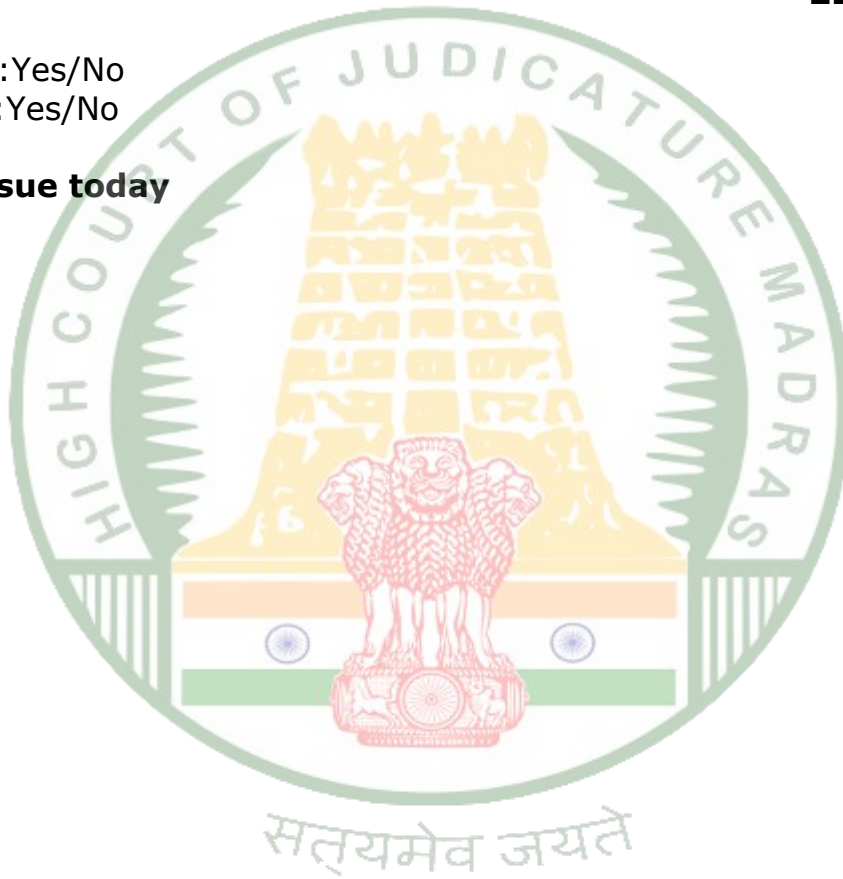
attached to her original conviction and judgment made in C.C.No.3096 of 2007 on the file of the learned XI Metropolitan Magistrate, Saidapet, Chennai.

22.11.2017

Index :Yes/No
Internet:Yes/No

Note:Issue today

DP



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M.S.RAMESH.J,

DP

To

- 1.The Additional Sessions Judge,
Chennai.
- 2.The XI Metropolitan Magistrate,
Saidapet, Chennai.
- 3.The Inspector of Police
Central Crime Branch,
Egmore, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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