



Bail Slip

The Appellants/Accused 1 to 3 viz., 1.Ramamurthy,, S/o.Balakrishnan aged 20 years, 2)Raja, S/o Ranganath Gounder, aged 20 years and Manikandan, S/o Palanivel aged 19 years were released on bail as per order of this Court dated 11/10/2013 in MP No.1/13 in CrI.RC.No.1277/2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.10.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.RC.No.1277 of 2013

and

M.P.No.1 of 2013

1. Ramamurthy
2. Raja
3. Manikandan

...Petitioners/Accused

Vs.

State rep. By the Inspector of Police,
Maarakanam Police Station,
Tindivanam Taluk,
Villupuram District.
Crime No.99/2012

...Respondent/Complainant

The Criminal Revision has been filed under Section 379 read with 401 of Code of Criminal Procedure to call for the entire records and set aside the judgment passed in C.A.No.29/2013 on the file of the learned I Additional District and Sessions Judge, Tindivanam, dated 05.10.2013 confirming the conviction and sentence of six months of imprisonment and the fine amount of Rs.1,000/- in default, for one month imprisonment under Section 380 IPC made in C.C.No.119 of 2012 dated 18.03.2010 on the file of the learned Judicial Magistrate-II, Tindivanam.

For Petitioner : Mr.K. Selva Kumaraswami

For Respondent : Mr.R.Ravichandran
Government Advocate (CrI.Side)



O R D E R

This Criminal Revision has been filed to call for the entire records and set aside the judgment passed in C.A.No.29/2013 on the file of the learned I Additional District and Sessions Judge, Tindivanam, dated 05.10.2013

2. The case of the prosecution is that on 14.03.2012 at about 7.30 A.M., the defacto complainant kept her bangles on the dining table and went inside the kitchen to do her work. At that time, the petitioners sneaked into the house and took away the bangles. On seeing persons of strangers, the defacto complainant/P.W.1 raised alarm. The P.W.2/father of P.W.1 and her relatives rushed to the scene and caught hold all accused. The bangles were recovered from them. The P.W.1 lodged a complaint before the respondent police in Crime No.99 of 2012. After investigation, the respondent police filed the charge sheet against the accused. After full fledged trial, the trial Court convicted the accused under Section 380 of IPC and sentenced them to undergo six months imprisonment each and imposed fine of Rs.1000/- each, in default, to undergo simple imprisonment for a period of one month each. Aggrieved against the judgment of conviction dated 18.03.2013, the petitioners/accused has preferred appeal in C.A.No.29/2013 before the learned Principal Sessions Judge, villupuram. In turn the Principal Sessions Judge made over the appeal to the learned I Additional District and Sessions Judge, Tindivanam. The learned Appellate Judge, after giving an opportunities, dismissed the appeal and conviction and sentenced passed by the trial Court are confirmed.

3. Aggrieved against the said judgment of conviction, the petitioners/accused have preferred this criminal revision before this Court.

4. The learned counsel for the petitioners/accused would submit that this is a put up case and the petitioners had not involved in the offence. The eyewitnesses are close relatives of the P.W.1 and they are no independent eyewitness to the offence. The learned counsel also submitted that in the F.I.R., P.W.1 stated she has kept the bangles in varranda. Whereas in her evidence, she stated that kept the bangles on the dining table. The learned counsel prayed that the judgment of the Courts below are erroneous, which warrants interference by this Court.

5. The learned Government Advocate (Crl. Side) would submit that P.W.1 and P.W.2 are eye witnesses to the occurrence. They categorically stated that the accused took the bangles from the dining table and on seeing the accused, P.W.1 raised alarm and



the accused were immediately apprehended and the bangles had recovered from them. The learned Government Advocate would further submit that the accused were involved in another theft case and they stolen the motor-cycle. The said crime was registered in Crime No.68/2012. There is no perversity in appreciation of evidence. The contradiction is only minor contradiction, it will not vitiate the prosecution case and criminal revision is liable to be dismissed.

6. Heard the learned counsel appearing for the appellant and the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

7. The case of the prosecution is that the accused persons entered into the house of the defacto complainant and took away the golden bangles, which were kept on the dining table. On seeing the persons of stranger, P.W.1 raised an alarm and immediately father of the P.W.1 and her relatives caught hold all the accused and recovered the golden bangles from them. The evidence of the eyewitness is cogent, convincing and clear. Since the occurrence has happened in the house of P.W.1, independent witness cannot be expected. On going through the records, this Court fully convinced and satisfied with the judgments of Courts below. There is no perversity in appreciation of evidence and there is no merit in the revision.

8. Under these circumstances, the judgment of the Courts below is confirmed and this Criminal Revision is dismissed. Consequently, connected miscellaneous petition is closed. The respondent police is directed to secure the custody of the accused 1 to 3 for undergoing remaining period of sentence, if any.

Sd/-
Assistant Registrar (CS-IX)

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate-II, Tindivanam.
2. The Chief Judicial Magistrate, Villupuram
3. The I Additional District and Sessions Judge, Tindivanam.
4. The Superintendent, Central Prison, Pudukottai.



5. The Public Prosecutor, High Court of Madras.

6. The Inspector of Police, Maarakanam Police Station,
Tindivanam Taluk, Villupuram District.

Cr1.RC.No.1277 of 2013
and

M.P.No.1 of 2013

CA (CO)
GMY (20/08/2019)