



BAIL SLIP

The appellant herein/Accused No.1 viz. Mr.Thengavel S/o.Muthusamy was directed to be released to be released on bail as per order of this Court dated 06/09/2011 made in MP.2/2011 in CrI.A.No. 67/2009.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 23.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CrI.A.No.67 of 2009

Thangavel

... Appellant/Accused

.. Vs ..

Inspector of Police,
CBCID, C.C.Wing,
Coimbatore

... Respondent/Complainant

PRAYER: Criminal Appeal filed under Section 374(2) of Cr.P.C., against the judgment and conviction dated 23.12.2008 made in S.C.No.173 of 2008 on the file of Additional District and Sessions Judge (FTC No.III), Coimbatore and prays to set aside the same.

For Appellant : Mr.K.Selvakumaraswami

For Respondent : Ms.V.Saratha Devi
Government Advocate (crl.side)

JUDGMENT

The convicted A1 is the appellant herein.

2. The respondent-police has filed final report alleging that P.W.1 owns a jewellery shop at Pollachi. On 1.5.2006 at about 3.00 P.M., A1 to A3 went to his shop in a car bearing Regn.No.TN-55-K-1964 and purchased a gold chain and 2 gold coins for Rs.38,820/- and A1 paid cash in the denomination of 24-thousand Rupee notes and 29-five hundred Rupee notes, 3-hundred Rupee notes and 2-ten Rupee notes. When he put it into the cash box, he found that the 1000 Rupee notes were different from the normal notes and so he asked his staff, by name Sasikumar to see the accused, but in the meantime, the accused went away in the



car. On coming to know that the 1000 Rupee notes were counterfeit notes, he went to Pollachi Town East Police Station and lodged Ex.P1 complaint and handed over the currency notes received from A1 at the Police Station. The thousand Rupee notes, five hundred Rupee notes, hundred Rupee notes and ten Rupee notes received from A1 are MOs.1 to 4 series respectively and the chain and the two-gold coins purchased by A1 are MO-5 and MO-6 series respectively. He produced the cash receipt (Ex.P4) for the sale of chain and gold coins at the Police Station.

3. The case was taken on file as P.R.C.No.5 of 2008 on the file of the learned Judicial Magistrate No.I, Pollachi. After observing the proceedings, case was made over to the trial Court and the charges have been framed.

4. During the course of trial, the prosecution has examined 13 witnesses, marked 21 documents and produced 16 material objects.

5. On consideration of both oral and documentary evidence, the trial Court has come to the conclusion that the charges framed against A2, A3, A4 are not made over beyond reasonable doubt. According to A2, A3 and A4 were acquitted of the charges. However, in respect of the first appellant/A1, he was convicted of the offences under Sections 389 and 489(B) I.P.C (two counts) and sentenced to R.I for four years and to pay the fine and sentence was directed to run concurrently.

6. Aggrieved against the said conviction and sentence, the A1 has preferred this appeal.

7. The learned counsel for the appellant initially argued against the findings for the conviction and thereafter confined his arguments with regard to sentence only. It appears from the records that the appellant has already been in custody for more than 3 years and he is now aged about 68, and the trial Court has convicted him to suffer four years R.I., out of which he has already suffered 3 years R.I.

8. After going through the records and also the evidence of P.W.2 jewel owner, it is seen that he has utilized 65 counterfeit notes as notes of genuine, denomination of 1000 Rupees and considering the nature and gravity of the offence and also taking note of the period already undergone by the accused for more than 3 years out of the 4 years, the appeal is partly allowed and the sentence imposed on the appellant/A1 is reduced to three years RI from four years RI.

9. Accordingly, this Criminal Appeal is partly allowed.



While confirming the conviction and maintaining the fine amount, the sentence imposed on the appellant is reduced from four years to three years Rigorous imprisonment and fine imposed is maintained. Since it is stated that the appellant/A1 has already undergone three years imprisonment, he shall be released forthwith, unless he is required in connection with any other case.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional District and Sessions Judge (FTC No.III),
Coimbatore .
2. The Chief Judicial Magistrate,
Coimbatore.
3. The Judicial Magistrate, No.II,
Coimbatore.
4. The Superintendent,
Central Prison, Coimbatore.
5. The Inspector of Police,
CBCID, CC Wing, coimbatore.
6. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.K.Selvakumaraswami, Advocate, S.R.No. 57825

Cr1.A.No.67 of 2009

SSV(CO)
GN(26/09/2018)