

Bail slip

The Petitioner/Accused namely Mr.P. Nagamuthu, aged 53 years, S/o Pannaiya was directed to be released on bail as per order of this court dated 29.04.2013 made in M.P. No. 1/2013 in CrI.R.C. No. 575/2013.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 30.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Criminal Revision No.575 of 2013

P.Nagamuthu

... Petitioner/Accused

.. Vs ..

The State represented by  
The Inspector of Police  
Bagalur Police Station  
Krishnagiri District.  
Crime No.200 of 2005.

... Respondent/Complainant

PRAYER: Criminal Revision filed under Section 397 and 401 of Criminal Procedure Code against the order passed in C.A.No.85 of 2010 by order dated 13.03.2013 on the file of the Learned Additional District and Sessions Judge, Krishnagiri, modifying the sentence and judgment passed in C.C.No.31 of 2006 by order dated 14.12.2010 by the Learned Judicial Magistrate, No.I, Hosur.

For Petitioner : Mr.C.Ramkumar

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

JUDGMENT

This Criminal Revision is filed against the order passed in C.A.No.85 of 2010 by order dated 13.03.2013 on the file of the Learned Additional District and Sessions Judge, Krishnagiri, modifying the sentence and judgment passed in C.C.No.31 of 2006 by order dated 14.12.2010 by the Learned Judicial Magistrate, No.I, Hosur.

2. The case of the prosecution is that on 11.12.2005, the petitioner herein had stolen Rs.3,87,000/- from M/s Premier Mill, where he is working as Driver. On which a case was registered under Section 457 and 381 of IPC in Crime No.200 of 2005 and the same was taken on the file of the learned Judicial Magistrate No.I, Hosur in C.C.No.31 of 2006. After conducting trial, the petitioner was convicted by the order dated 14.12.2010, for the offence under Section 457, sentenced to undergo 2 years rigorous imprisonment with fine of Rs.1,000/- failing which 3 months rigorous imprisonment and under Section 381 IPC sentenced to undergo 2 years rigorous imprisonment with fine of Rs.1,000/- failing which 3 month rigorous imprisonment.

3. Aggrieved against the order of the trial Court, the petitioner preferred an Appeal in C.A.No.85 of 2010 before the Additional District and Sessions Judge, Krishnagiri and on 13.03.2013 the learned Additional District and Sessions Judge, Krishnagiri modified the sentence to six months simple imprisonment for each offence under Sections 457 and 381 with fine amount of Rs.1,000/- in default 3 months simple imprisonment for each offence. Against the order of the 1<sup>st</sup> appellate Court, the petitioner is before this Court with this present Civil Revision petition.

4. The learned counsel for the petitioner would submit that the appellate Court has acquitted the wife of the petitioner herein and he seeks to reduce the sentence imposed by the Additional District and Sessions Judge, Krishnagiri in C.A.No.85 of 2010 on 13.03.2013.

5. Heard and perused the materials available on record.

6. On a perusal of the records, it shows that the revision petitioner has committed offence punishable under Sections 457 and 381 of IPC. After appreciating the oral and documentary evidences, the trial Court as well as the appellate Court, rightly came to the conclusion that the revision petitioner is found guilty. Being the Revision Court, this Court cannot sit in the arm chair of the Appellate Court and re-appreciate the entire evidences and materials available on record. However, this Court has to find out the perversity in the judgment passed by the Appellate Court. This Court perused the judgment passed by the trial court as well as the Appellate Court and oral and documentary evidence. This Court does not find any perversity in the judgment passed by the Appellate Court. There is no merit in the revision and there is no sound reason to interfere with the Judgment of conviction passed by the Courts below. There is no mitigating circumstances to reduce the sentence passed by the appellate Court. A perusal of the records and considering the nature of the offence, this Court is not inclined to reduce the sentence and the order passed by the

appellate Court in C.A.No.85 of 2010 dated 13.03.2013 is confirmed. Accordingly, the present Criminal Revision is dismissed. The trial Court is directed to secure the custody of the accused to undergo the remaining period of imprisonment, if any.

s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Additional District and Sessions Judge  
Krishnagiri.
2. The Judicial Magistrate, No.I, Hosur
3. The Chief Judicial Magistrate, Krishnagiri
4. The Public Prosecutor  
High Court of Madras.
5. The Inspector of Police  
Bagalur Police Station  
Krishnagiri District.

+1 CC to Mr.C.Ramkumar, Advocate sr 59967.

Criminal Revision No.575 of 2013

SJ(CO)  
SP(04/01/2019)

WEB COPY