



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2018

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.R.C. (MD) No.84 of 2018

WEB COPY

S.Kannan

: Petitioner/PW1

Vs.

1.Palpandi

2.Murugan

: Respondents/ Accused

3.State rep. by the

Sub-Inspector of Police,

Royappanpatti P.S.,

Theni District.

: Respondent/Complainant

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Criminal Procedure Code praying to call for records in C.C.No.583 of 2004 on the file of the learned Judicial Magistrate, Uthamapalayam and enhance the sentence passed by the learned Judicial Magistrate, Uthamapalayam on 18.10.2006 in C.C.No.583 of 2004.

For Petitioner

: Mr.V.Pavel

For Respondents 1&2

: Mr.M.Subash Babu

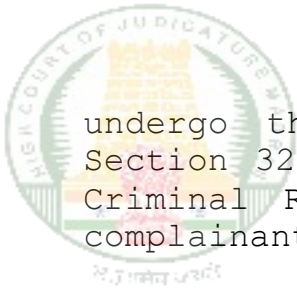
For Respondent No.3

: Mrs.S.Bharathi,

Government Advocate (Crl.side)

ORDER*****

On the complaint lodged by the petitioner, the third respondent police registered a case in Crime No.176 of 2004 and after completing the investigation, filed a final report in C.C.No.583 of 2004 before the learned Judicial Magistrate, Uthamapalayam against the first and second respondents herein. The Trial Court framed charges under Sections 452, 324 and 506(ii) of the Indian Penal Code. The first and second respondents pleaded not guilty. Therefore, the prosecution examined 7 witnesses and marked 6 exhibits. When the accused were questioned about the incriminating circumstances appearing against them, they denied the same. After hearing the arguments on either side, the Trial Court convicted the accused for the offences under Sections 324 and 452 of the Indian Penal Code and acquitted the accused under Section 506(ii) of the Indian Penal Code. When the accused were questioned on sentence, they prayed for leniency. Therefore, the Trial Court imposed a fine of Rs.500/- each, in default, to undergo one month rigorous imprisonment and detained them till rising of Court for the offence under Section 452 IPC and a fine of Rs.1,000/- each, in default, to



undergo three months simple imprisonment for the offence under Section 324 IPC. Aggrieved by the quantum of sentence, the present Criminal Revision Case has been filed by the petitioner/defacto complainant.

2. It is the case of the petitioner/defacto complainant that the Trial Court had awarded a fleabite sentence on the accused and should have awarded them imprisonment for the manner in which they had committed the offence.

3. This Court is of the view that the Trial Court has a certain amount of discretion while deciding the question of sentence. In this case, the accused had pleaded before the Trial Court that they were first time offenders and that they have realized their mistake and, therefore, they pleaded for leniency. Only in those circumstances, the Trial Court had accepted their plea and awarded the aforesaid sentence. This Court does not find any infirmity in the order passed by the Trial Court warranting interference at this distant point of time.

4. In the result, this Criminal Revision Case is devoid of merits and accordingly, the same is dismissed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate,
Uthamapalayam.

2.The Sub-Inspector of Police,
Royappanpatti P.S.,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

RL/4C/2P/JC/SAR1/21/2/2018

Order made in
Cr1.R.C. (MD) No.84 of 2018

Dated:-
13.02.2018