



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.R.C. (MD) No.954 of 2017andCrl.M.P. (MD) Nos.11718 & 11719 of 2017

Sasikumar

... Petitioner / Accused

Vs.

State rep.by
The Inspector of Police
K.Pudur Police Station
(In Crime No.407 of 2016)

...Respondent / Complainant

PRAYER: Criminal Revision Case filed, under Section 397(1) r/w 401 Cr.P.C., to call for the records and set aside the order of conviction and sentence passed by the learned V Additional District and Sessions Judge, Madurai, in C.A.No.17 of 2017, dated 22.09.2017 in C.C.No.269 of 2016, on the file of the learned Judicial Magistrate No.VI, Madurai, dated 06.02.2017.

For Petitioner : Mr.G.Karuppasamy Pandian

For Respondent : Mr.A.Muthu Karuppan
Additional Government Pleader

O R D E R

On the complaint lodged by one Deepa, the respondent - Police registered a case in Crime No.407 of 2016, under Section 379 I.P.C., against unknown accused. It is the case of the *de facto* complainant that on 22.03.2016, around 21.20 hours, when she was going towards her house, a person came in a two-wheeler and snatched her one sovereign of Thali chain and fled. Thereafter, the respondent - Police arrested the petitioner / accused, since he was involved in the offence and remanded him to custody. After completion of investigation in Crime No.407 of 2016, the respondent - Police filed a final report in C.C.No.269 of 2016, before the learned Judicial Magistrate No.VI, Madurai, against the petitioner / accused under Section 379 I.P.C.



2. Trial was conducted in C.C.No.269 of 2016, in which, on the side of the prosecution, nine witnesses were examined and eleven documents were marked and one material object was marked. When the incriminating materials and circumstances appearing against the petitioner / accused were put to him under Section 313 Cr.P.C., he denied the evidence of the prosecution side as false. However, no oral and documentary evidence was adduced on the side of the defence.

3. After considering the evidence on record, the Trial Court, by Judgment dated 06.02.2017, convicted the petitioner / accused under Section 379 I.P.C., and sentenced him to undergo one year simple imprisonment. The period of his detention i.e., from 28.04.2016 to 06.02.2017 (the date of Judgment) was given set off under Section 428 Cr.P.C.

4. Challenging the said conviction and sentence, the petitioner / accused preferred an appeal in Crl.A.No.17 of 2017, before the learned V Additional District and Sessions Judge, Madurai and the learned First Appellate Judge, by order dated 10.02.2017, in Crl.M.P.No.949 of 2017 in Crl.A.No.17 of 2017, suspended the sentence and granted bail to the petitioner / accused and pursuant to which, he was released on bail on 14.02.2017. Thereafter, the learned V Additional District and Sessions Judge, Madurai, by Judgment, dated 22.09.2017, confirmed the conviction and sentence imposed by the Trial Court and dismissed the appeal. Aggrieved by the same, the petitioner / accused is before this Court invoking the revisional jurisdiction.

5. Mr.G.Karuppasamy Pandian, learned counsel for the petitioner / accused submitted that the evidence of P.W.1 is not worthy of acceptance and deserves to be rejected. The learned counsel also submitted that the arrest and recovery was very doubtful.

6. Per contra, Mr.A.Muthu Karuppan, learned Additional Government Pleader for the respondent - Police refuted the contentions of the learned counsel for the petitioner / accused.

7. This Court gave its anxious consideration to the rival submissions.

8. This Court, under Section 397 Cr.P.C., can interfere only when there is illegality or propriety in the orders passed by the Courts below. Under normal circumstances, this Court cannot embark upon re-appreciation of the evidence when the same has been appreciated by the Trial Court as well as the First Appellate Court while deciding the case of the accused. Under such circumstances, this Court does not find any serious infirmity or



illegality in the orders passed by the Courts below warranting interference.

9. In the result, the criminal revision is devoid of merits and it is dismissed. However, while upholding the order of conviction recorded by the Courts below, the substantive sentence of imprisonment is reduced to the period already undergone by the petitioner / accused. Consequently, connected criminal miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The V Additional District and Sessions Judge,
Madurai.
2. The Judicial Magistrate No.VI,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Inspector of Police,
K.Pudur Police Station,
Madurai.

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MV:SV-MMS:SAR2:12/01/2018/3P/5C

Cr1.R.C.(MD) No.954 of 2017

and

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