



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 28.08.2018
DELIVERED ON : 10.09.2018

CORAM:

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C (MD) Nos.459 to 468 of 2018

A.Rahamathulla : Petitioner/ Accused No.2
in All cases

Vs.

State rep. By
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.
(Crime No.398, 402, 286,396, 226,
394,397,400, 393 and 399/2013)

: Respondent/Complainant
in All cases

COMMON PRAYER: Criminal Revision Cases are filed under Section 397 read with Section 401 of the Code of Criminal Procedure, to set aside the Judgment passed by the learned Additional Sessions Judge, Karur, in C.A.Nos.57,56,51,54,58,53,55,50,52 & 49 of 2018, dated 31.05.2018, respectively confirming the Judgment of the learned Judicial Magistrate No.I, Karur in C.C.No.175, 174, 169,172,199,171,173,168, 170 and 167 of 2013, dated 02.04.2018, respectively.

For Petitioner
in all Revision
For Respondent
in all Revision

: Mr.E.Somasundaram
: Mr.A.Robinson,
Government Advocate(Crl.side)

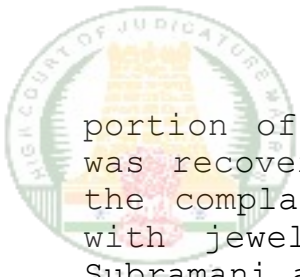
COMMON ORDER

This batch of revision cases arising out of 10 cases, registered against this revision petitioner, Rahamathulla as accused No.2 and one Stalin as accused No.1. For better understanding, the crime numbers, police stations, names of the de facto complainant/victims, date of incident and date of complaint of these cases are correlated hereunder:

Sl. No.	Police Station & Crime No.	Date of incident	Date of complaint	Name of the de facto complainant/victim
1.	Pasupathipalayam P.S. Crime No.398/2013	12.08.2013	28.08.2013	Saroja
2.	Pasupathipalayam P.S. Crime No.402/2013	30.08.2013	30.08.2013	Venkatachalam/ Kaliammal
3.	Pasupathipalayam P.S. Crime No.286/2013	17.06.2013	17.06.2013	S.P.Jeevanandam/ Palaniammal
4.	Pasupathipalayam P.S. Crime No.396/2013	10.08.2013	27.08.2013	P.Rajamanickam/ Periyakkal
5.	Vengamedu P.S. Crime No.226/2013	26.08.2013	26.08.2013	Palaniammal
6.	Pasupathipalayam P.S. Crime No.394/2013	23.08.2013	26.08.2013	Kaliammal
7.	Pasupathipalayam P.S. Crime No.397/2013	16.08.2013	27.08.2013	G.Jansirani
8.	Pasupathipalayam P.S. Crime No.400/2013	19.08.2013	29.08.2013	Rani
9.	Pasupathipalayam P.S. Crime No.393/2013	25.08.2013	26.08.2013	Saraswathi
10.	Pasupathipalayam P.S. Crime No.399/2013	16.08.2013	28.08.2013	S.Vasantha

2.The revision petitioner herein is the second accused in a batch of cases registered against him and one Stalin for an offence under Section 392 IPC.

3.A.Rahamathulla, the revision petitioner herein, was arrested by the respondent police on 30.08.2013. His associate Stalin was intercepted during vehicle inspection by the police on 31.08.2013 at about 10.00 a.m. near Sukkaliyoor Roundana. During interrogation, they both have admitted about their involvement in chains snatching at different places on different dates. In the confession statement given by Stalin, in the presence of the independent witness Seenivasan and in the confession statement of the present revision petitioner, Rahamathulla, in the presence of Alagirisamy, Village Administrative Officer, they both have admitted their guilt. The body search of the revision petitioner resulted in recovery of a



portion of a broken chain concealed in his underwear and the same was recovered. Further investigation based on the confessions and the complaints of victims, who have lost their chains, correlated with jewels recovered from the accused and goldsmith by name, Subramani at Paramathivelur, Namakkal District.

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4.The case of the prosecution is that the revision petitioner and the co-accused Stalin snatched chains from several persons between third week of June to August, 2013. They used Hero Honda Splendor vehicle, bearing Registration No.TN-47-V-2226, owned by Stalin or Yamaha Crux bearing Registration No.TN-47-AD-7044, purchased by the revision petitioner from out of the sale proceeds of the chain, he snatched from a lady near Vengamedu, Arugampalayam, Pari Nagar, during third week of June, 2013. On 30.08.2013, Rahamathulla (revision petitioner) was caught by the public while snatching the chain from a old lady near Murugan Koil, Rayanoor, Chekandipalayam Road. He was handed over to the Pasupathipalayam Police. On 31.08.2013, during vehicle check-up, the respondent police had intercepted the two wheeler driven by Stalin. Since, he was carrying a knife with him, the police arrested him for involvement of crime and interrogated him. Both Stalin and Rahamathulla gave confession statements. During personal search of Rahamathulla, a piece of gold chain, weighing around 1¼ sovereign, was found concealed in his underwear and the same was recovered.

5.Further, based on his confession statement, jewels were recovered from one Subramani, goldsmith at Paramathivelur, Namakkal District. Complaints from the victims of chain snatching were scrutinized by the investigating officer. Ten victims were identified, who have lost chains to this revision petitioner and his accomplice Stalin. Ten cases of similar nature for offence under Section 392 IPC was tried against the accused Stalin and Rahamathullah. After examining the victims, who have lost jewels and the witnesses for confession and recovery, the Trial Court has convicted both the accused for offence under Section 392 IPC and sentenced them to undergo 3 years simple imprisonment and to pay a fine of Rs.500/- each, for each cases. The Trial Court has also ordered the period of sentence to run concurrently. The material objects recovered, were ordered to be returned to the owners of the same. Aggrieved by that, the second accused, Rahamathullah, preferred appeals before the learned Additional Sessions Judge, Karur. The appellate Court has dismissed all the appeals and confirmed the Judgment and conviction of the Trial Court. Aggrieved by the concurrent findings, the present revision cases are filed.

6.The common grounds raised by the revision petitioner is that in most of the cases, there is unexplained delay in filing complaint. The alleged victims, who have lost their chains, have not come forward to lodge complaint, soon-after. The learned counsel appearing for the revision petitioner pointing out the number of days delay in filing First Information Report in each of the case, would submit that based on the belated First Information



Report and based on the evidence of stock witnesses, namely, Village Administrative Officer and Village Assistants, the police has fabricated documents, as if, this revision petitioner along with one Stalin, was involved in chain snatching and the chains, which were snatched by them, were in their possession or sold to a goldsmith at Paramathivelur or given to third parties custody and the same were recovered on the information disclosed by the accused. All the nine cases with almost same set of witnesses, have been tried against these accused. The prosecution has not conducted any identification parade for the victims to identify the person, who snatched their chains. The fabrication of the false complaints could be easily seen from the time, date and place of occurrence alleged to have been mentioned in these cases.

7.The learned counsel appearing for the revision petitioner would further submit that the revision petitioner was taken into custody by police few days prior to the registration of the complaints. Several First Information Reports were registered against him thereafter. The learned counsel would particularly submit that in C.C.No.174 of 2013 , it is alleged that the accused was involved in chain snatching on 30.08.2013 at 05.00 p.m. Whereas records indicate that the accused was arrested by the police on 30.08.2013 at 10.00 a.m. itself. The material contradictions in the complaints and the evidence of the witnesses, have not been properly appreciated by the Courts below. The Village Administrative Officer, who has witnessed the confession statement, is not a reliable witness. His statement has not been corroborated by any of the independent witnesses. While the independent witnesses have turned hostile and the evidence of Village Administrative Officer for recovery, has not been adequately corroborated, the Courts below ought not to have hold the accused guilty.

8.The learned counsel appearing for the revision petitioner would also submit that the two wheelers alleged to have been used by the accused and Stalin to commit offence, was not produced before the Court. This omission shakes the very fundamental of the prosecution case. The learned counsel would submit that in C.C.No.174 of 2013, the victim witness has deposed that during snatching of her chain, she has sustained injury. But, no document to show that she sustained injury is produced by the prosecution. The learned counsel submitted that when there is a patent error, illegality and perversity in the Judgments of the Courts below, as in this case, the High Court has to exercise its revisional power and set right the illegality.

9.The learned counsel appearing for the revision petitioner would further submit that the respondent police has fixed all the unsolved chain snatching cases against this accused and had hurriedly filed charge sheets. In all these cases, except the victims no other independent witnesses have spoken about the incidents of chain snatching. The victims has not filed complaint immediately after the occurrence. The confession statement leading



to recovery is not proved in the manner known to law. For the first time, the accused was identified by the victim only in the Court. Based on these feeble evidence, the conviction upon the accused is improper. Hence, it is liable to be set aside.

10. Per contra, the learned Additional Public Prosecutor appearing for the respondent would submit that the prosecution has proved the guilt of the accused, which has been admitted by the accused himself in his confession statement given in the presence of independent respectable witnesses. Further based on the information given in his confession, which were exclusively within the knowledge of the accused, the stolen properties were recovered. The person, who has received the property, has identified the accused. Thus, the prosecution has proved the guilt of the accused not only through the victims, but also through the witness, who has received the property from the accused. The delay in lodging the complaint, has been explained by each of the victims. Merely there was a delay in lodging the complaint, does not mean that no offence has occurred or the accused is not the offender. The hostility of some of the independent witnesses examined on behalf of the prosecution pales to insignificance in view of the fact that the prosecution was able to establish the guilt of the accused through the victim of the crime and through the person, who was found in possession of the crime property.

11. Further, the learned Additional Public Prosecutor would submit that on 30.08.2013, the public caught the revision petitioner, when he tried to snatch the chain of Kaliammal. He was brought to the police station. During the body search, he was found in possession of a piece of chain snatched from one Kaliammal. The same was concealed in his underwear and recovered under mahazar in the presence of independent witnesses. No adequate explanation could be offered by the accused for possession of piece of chain kept concealed in his underwear, whereas the owner of the jewel has identified the same and the remaining part was in her possession. In the said circumstances, there is no perversity in the orders of the Courts below to interfere.

12. Since ten different cases have been tried against the revision petitioner/accused and the same being ended in conviction and also confirmed by the appellate Court, the learned counsel appearing for the revision petitioner pointed out common infirmities in all these cases as well as the specific infirmity in each of the cases. The learned Additional Public Prosecutor appearing for the respondent has also responded for all the points raised by the revision petitioner. In the said circumstances, it is necessary to detail each case separately and to find out whether there is any perversity or illegality in the Judgments of the Courts below, which is the subject matter of the revision petitions in CrI.R.C(MD) NOS.459 of 2018 to CrI.R.C(MD) No.468 of 2018.

Crl.R.C(MD)No.460 of 2018:

13.This Criminal Revision Case is directed against the Judgment passed by the learned Additional Sessions Judge, Karur, in C.A.No.56 of 2018, dated 31.05.2018, confirming the Judgment of the learned Judicial Magistrate No.I, Karur in C.C.No.174 of 2013, dated 02.04.2018.

14.This case is mother of rest of the cases, wherein the revision petitioner/second accused was caught red-handed by the public for snatching chain from one Kaliammal near her house on 30.08.2013 at about 05.00 p.m.

15.P.W.1, Venkatachalam is the de facto complainant in this case. His complaint dated 30.08.2013 is Ex.P.1. Based on his complaint, First Information Report in Crime No.402 of 2013 has been registered by Pasupathipalayam Police Station at 18.00 hours. The complaint vividly narrates the incident. According to the complaint and his deposition, on 30.08.2013, while he was at home around 05.00 p.m., he heard the scream of Kaliammal. He came out and saw the revision petitioner trying to pull the chain of Kaliammal and she resisting it. Kamala, wife of Balu, who also came out from her house, hearing the scream, pushed the revision petitioner down. P.W.1 caught hold of the revision petitioner. Meanwhile, the revision petitioner put the chain piece in his underwear. 20 feet away on the western side, he saw a fair man in pant and shirt with motor cycle, called 'dai Rahamathulla! some how escape and come". For which the revision petitioner responded 'dai Stalin you go'. Hearing the commotion, public gathered. When they tried to catch the man with motor cycle, he took out a knife kept inside the cover on the petrol tank and threatened to kill them. P.W.1 has noted the make and registration number of the motor cycle as black colour Hero Honda Splendor, Registration No.TN-47-V-2226. Since the man with motor cycle wielded knife, they got scared to go near him. Taking advantage of that, the fair man fled in his motor cycle. The public has enquired the revision petitioner and came to know his name Rahamathulla and his associate, who fled away in the motor cycle Stalin. P.W.1 and Vadivel took the revision petitioner in the motor cycle to police station and handed over him to Pasupathipalayam police station.

16.The evidence of P.W.1 is corroborated by P.W.2 Kaliammal, the victim. She has identified her chain. M.O.1 is the photograph of the chain. Pending trial, the chain has been given to the custody of P.W.2, which she has sold to meet out her daily expenses. P.W.3, Kamala, who caught the revision petitioner, has corroborated the evidence of P.W.1 and P.W.2. She has identified both the accused present in the Court. The accused has confessed his role in this case as well as other nine cases. Based on his confession, chains snatched from two others were recovered from one Subramani and from the house of first accused, Stalin, which are subject matters of other cases. As far as confession and recovery,

Alagirisamy (P.W.4), and his Assistant, Kanagaraj (P.W.5), were examined and they have deposed incriminating the accused.

17.The learned counsel for the revision petitioner contends that the prosecution has lapsed in producing the vehicle though recovered from the accused under mahazar. This does not dent the prosecution case. Likewise, in the examination in chief and cross on 12.01.2015, the de facto complainant has deposed supporting his complaint. After lapse of two years, on 28.09.2017, he was recalled and cross examined again. At that time, the witness has deposed contrary to his earlier deposition in respect of the manner, the revision petitioner was apprehended by the public. Similarly, other witnesses, P.W.2 and P.W.3 also have given evidence denying knowledge of certain facts, which they asserted earlier, when they were recalled and cross examined after three years from the date of incident and two years after earlier examination.

18.Case of this nature, the accused persons attack their victims surprisingly and fled away with the property. The victim and witnesses cannot be expected to depose parrot like. The contradictions pointed out in the cross examination of witnesses, recalled after two years, no way be put against the prosecution. More particularly, the revision petitioner being caught red-handed by the witness P.W.3 and P.W.1 and brought to the police station. Since the finding of the Courts below is based on evidence and sustainable, this Court finds no ground to interfere in the concurrent findings of the Courts below. However, the sentence is reduced to 2 years rigorous imprisonment and fine Rs.500/-, in default to undergo 1 month rigorous imprisonment. With the said modification, this Criminal Revision Case is liable to be partly allowed.

Crl.R.C(MD)No.459 of 2018:

19.This revision is directed against the Judgment passed in Crl.A.No.57 of 2018 on the file of the learned Additional Sessions Judge, Karur, confirming the Judgment passed in C.C.No.175 of 2009 on the file of the learned Judicial Magistrate No.I, Karur.

20.In this case, Saroja, wife of Muthusamy, while travelling along with her husband in T.V.S.50, on 12.08.2013 at about 09.30 p.m. on Puliur - Uppidamangalam Road, near Amaravathy Nagar Library, two persons in a two wheeler, Hero Honda Splendor bearing Registration No.TN-47-V-2226 came in the opposite direction from south to north and snatched the gold chain worth Rs.15,000/- from Saroja, who was travelling in the pillion. While, they snatched the chain, she tried to prevent it, but in the melee she and her husband fell down and she sustained injury. Though, people nearby tried to catch them, they were not able to apprehend the chain snatchers. For her injury, she took treatment and after one week, gave complaint to the police.



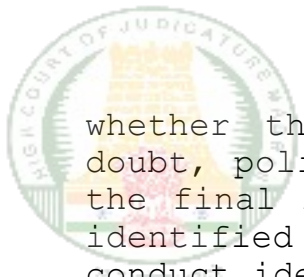
21. Based on her complaint, dated 28.08.2013, police registered FIR in Crime No.398 of 2013. On completion of investigation, filed final report. Trial Court has taken the report on file and tried the accused in C.C.No.175 of 2013.

22. The prosecution has examined 10 witnesses and marked 15 exhibits and 1 material object. Pending trial, the de facto complainant Saroja, has filed an application for return of property and the same has been returned to her after proper identification and undertaking. Considering the evidence of the Village Administrative Officer, Alagirisamy, Village Assistant Kanakaraj and Kannan, coupled with the evidence of P.W.1, Saroja, the victim and her husband, Pushparaj (P.W.2), the Trial Court has held that the robbery of chain on the day as spoken by P.W.1 and P.W.2 proved. The complaint has been given on 28.08.2013, after the victim recovered from the shock and injury, she sustained during the incident. The complaint has been registered on that day and immediately forwarded to the learned Judicial Magistrate on 28.08.2013 itself. Ex.P.11, First Information Report, dated 28.08.2013 and the reason given for belated First Information Report is convincing and therefore, the allegation of belated First Information Report in the facts and circumstances of the case is acceptable.

23. Further, the Courts below have taken note of the evidence given by the witnesses to the confession statement and recovery. The Courts below have recorded reason to believe them. The revision petitioner, Rahamathulla had confessed to the crime, the modus operandi and disposal of the chain snatched. A piece of gold chain weighing around 1¼ sovereigns has been recovered from the accused, concealed in his underwear in the presence of P.W.3 and P.W.4. The confession statement of the accused leading to recovery of the chain from P.W.8, Subramani, corroborates the complaint. In the said circumstances, both the Courts below have held the accused guilty. The delay in filing the First Information Report, which has been properly explained by the complainant and accepted by the Courts below, cannot be a reason to interfere the Judgments of the Courts below.

24. The learned counsel appearing for the revision petitioner would vehemently argued that in the case of this nature, it is impossible for the victim to identify her assailant after lapse of long gap. So, it is unbelievable that the victim has identified the assailant. Without conducting identification parade in the manner known to law, the victims have identified the accused for the first time in the Court, is unreliable. In support of his submission, the learned counsel would rely upon the Judgment of the High Court of Andhra Pradesh in Jarapala Deepala v. State of Andhra Pradesh reported in 2006 CrI.L.J. 267.

25. Section 9 of the Indian Evidence Act is pressed into service for identifying the accused during the investigation is to ensure



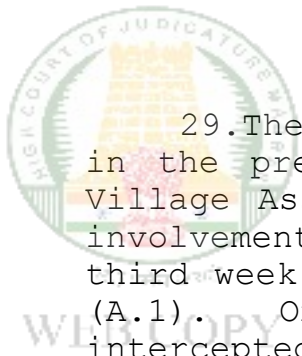
whether the investigation is going on the right direction. No doubt, police has not conducted identification parade before filing the final report or thereafter. It does not mean that the accused identified by the victim witness can be let free for omitting to conduct identification parade. There are other substantive evidence like confession leading to recovery, identification of the accused by the goldsmith, who has received the crime property from the accused. When the evidence of prosecution inspired confidence and indicates the accused and accused alone is guilty of the crime, such finding cannot be questioned.

26. Therefore, this Court holds that the evidence of P.W.1, the victim, who has lost her chain and the corroborative evidence of P.W.2, her husband, who was an eye witness to the crime, proves the fact that she lost a gold chain on 12.08.2013 at 09.30 p.m. as stated in the complaint. The reason for lodging the complaint after a delay of 16 days is well explained and accepted by the Courts below. The recovery of the gold jewel is proved through the evidence of P.W.3, Alagirisamy, Village Administrative Officer, P.W.4, Kanakaraj and P.W.7, Seenivasan. P.W.8, Subramani, gold smith, has identified the accused as the person, who sold the jewels to him, which has been recovered by the police under mahazar, Ex.P.5 and the same is marked as M.O.1. In the said circumstances, this Court finds no ground to interfere in the concurrent findings of the Courts below. However, the sentence is reduced to 2 years rigorous imprisonment and fine Rs.500/-, in default to undergo 1 month rigorous imprisonment. With the said modification, this Criminal Revision Case is liable to be partly allowed.

Crl.R.C(MD)No.462 of 2018:

27. This revision is filed challenging the concurrent finds of the Courts below in C.A.No.54 of 2018 confirming the Judgment of the Trial Court in C.C.No.172 of 2013.

28. The case of the prosecution is that on 27.08.2013 at about 02.00 p.m., one Rajamanickam (P.W.1) gave a written complaint (Ex.P.1) to S.Prithviraj (P.W.9), Sub Inspector of Police, Pasupathipalayam Police Station, informing that on 20.08.2013 at about 10.00 a.m., while his mother, Periyakkal was walking along Stadium Road near E.B. Office, two persons came in a two wheeler and snatched away her 1 1/2 sovereign gold chain and pushed her down. She informed him about the incident over phone. He along with Palanisamy, Turuvakumar searched the offenders, but could not find them. Based on this complaint, F.I.R. (Ex.P.10) was registered and forwarded to the learned Judicial Magistrate No.I, Karur. Later on 30.08.2013, Rahamathulla (revision petitioner) was handed over by the public for snatching chain of Kaliammal, near Murugan Temple, Rayanoor-Chandrapalayam Road. The respondent police registered case against this revision petitioner and one Stalin in Crime No.402 of 2013 and commenced investigation.



29. The revision petitioner herein gave a confession statement in the presence of Alagirisamy, V.A.O. (P.W.4) and C.Kanakaraj, Village Assistant (P.W.5), wherein the accused confessed about his involvement in the case of snatching chain of Palaniammal during the third week of June, 2013 and the 4 sovereigns chain is with Stalin (A.1). On the next day, 31.08.2013 at 10.00 a.m., Stalin was intercepted by the police, while he was riding motor cycle, Hero Honda Splendor, carrying a knife inside the petrol tank cover. 2 sovereign chain which he confessed to have snatched from a lady on 25.08.2013 near Mariamman Koil, Gandhigram was recovered from his possession. Based on the information given by the revision petitioner, the chain sold to Subramani (P.W.8) was recovered. Same was identified by Periakkal (P.W.2), the victim. She has got back the chain on petition. Sold it pending trial due to poverty. The photograph of the chain is marked as M.O.1. The confession leading to recovery is spoken through P.W.4, P.W.8 and P.W.10.

30. The reason for the delay in lodging the complaint is stated by P.W.1 and P.W.2. The jewel was identified by the victim immediately after recovery and in the Court, while taking it for interim custody on petition, marked as Ex.P.2. Mahazar (Ex.P.7) for recovery of chain is proved to P.W.4, Alagirisamy, V.A.O.

31. In the said circumstances, since the conclusion of the Courts below is strongly based on facts proved through witnesses wholly reliable, no infirmity could be found. However, the sentence is reduced to 2 years rigorous imprisonment and fine Rs.500/-, in default to undergo 1 month rigorous imprisonment. With the said modification, this Criminal Revision Case is liable to be partly allowed.

Crl.R.C(MD)No.463 of 2018:

32. This Criminal Revision Case is directed against the Judgment passed by the learned Judicial Magistrate No.I, Karur in C.C.No.199 of 2013 and confirmed by the learned Additional Sessions Judge, Karur, in C.A.No.58 of 2018.

33. The facts of this case are as follows:

(i) Palaniammal, aged about 63 years, wife of A.Nachimuthu has lodged a complaint to the respondent police on 26.08.2013 at about 16.30 hours. According to her complaint, on 29.06.2013, when she was returning from Vennimalai Murugan temple, she went to 'Anbukarangal' orphanage and offered food to the inmates enumerating her son's death anniversary. Thereafter, at about 09.30 a.m., when she was returning home near her house, two persons, came in a motor bike, stopped near the gate of her house. One of them got down and enquired her, where the centring work is going on. She told him that she is not aware and directed to ask somebody else. Suddenly, he snatched her chain and escaped in the two wheeler. She was able to describe the person, who was snatched her chain as the black and



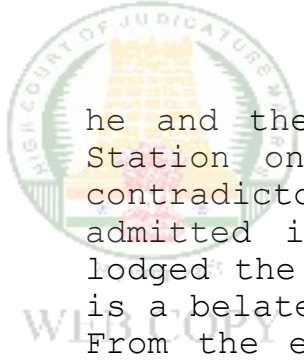
toll and the person, who was riding the two wheeler was short and fair. On hearing her scream, Kannan, son of Chidambaram, from her neighbourhood had come and tried to chase the duo, but in vain. Kannan has noted the vehicle number as TN-47-V-2226. After this incident, she fell ill and got bedridden. No one was bear to help and after recovering from illness, she went to Vengamedu Police Station and gave a complaint.

(ii)Vengamedu Police received her complaint on 26.08.2013 at 16.00 hours and registered the First Information Report in Crime No.226 of 2013. On 30.08.2013, Rahamathulla, the revision petitioner herein was got red-handed by the public, when he was snatching chain of one Kaliamma at Rayanoor to Chellandipalayam road, near Murugan temple. He was handed over to the police by the public. During interrogation, he has given a confession statement. In his confession, he has disclosed the fact of snatching a chain during June month end from a old lady at Pari Nagar, Arugampalayam, Vengamedu. Based on his statement, jewels were recovered from Subramani, a goldsmith at Paramathivelur, Namakkal District. The investigation officer, who came to know about the arrest of Rahamathulla by Pasupathipalayam Police, in connection with chain snatching cases, he went to Trichy Central Prison and effected formal arrest of the accused, on 11.09.2013.

(iii)To prove the case, the prosecution has examined 8 witnesses and marked 11 exhibits and M.O.1, the chain of P.W.1.

(iv)P.W.1, Palanaiammal, is the victim in this case. In her chief-examination, she has stated that when she was returning from temple and offering Annadhanam, two persons came in a motor bike, enquired her, where is painter's house and she answered she do not know. Suddenly, he snatched her gold chain weighing 4 sovereigns and fled away. She cried and screamed. Kannan from the next house tried to catch the persons, who fled away in the motor bike. Kannan has noted the motor bike number. She has identified the accused persons, who were present in the Court. She has also explained the reason for belated complaint. According to this witness, due to the incident, her health got deteriorated and therefore she was admitted in a hospital and she was in the hospital for one week and thereafter, went to the police station and gave the complaint. She has also identified her chain, M.O.1. The man living in the next house of the victim has been examined as P.W.2. He corroborates the evidence of P.W.1 and also has spoken about the fact that he tried to catch the chain snatchers, but they fled away in the motor cycle, bearing Registration No.TN-47-V-2227. Thus, the vehicle number and description of the persons tally with the further evidence of the prosecution witnesses. From Form No.91, we find that the chain was recovered from one Subramani, goldsmith of Paramathivelur, Namakkal District, pursuant to the investigation done by Pasupathipalayam Police in their Crime No.402 of 2013, dated 30.08.2015.

34.The prime contention raised in the revision is in respect of 58 days delay in lodging the First Information Report and the admission of P.W.2, Kannan, who in his cross examination admits that



he and the de facto complainant (P.W.1) went to Vengamedu Police Station on 29.06.2013 itself and gave complaint, which is quite contradictory to the evidence of P.W.1, who has deposed that she was admitted in the hospital and after discharge from hospital, she lodged the complaint, Ex.P.1, on 26.08.2013. Admittedly, complaint is a belated complaint. The reason for delay is explained by P.W.1. From the evidence of P.W.2, we find that day after the incident, P.W.1 has been taken to Erode and admitted in hospital.

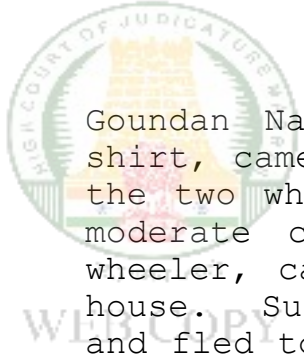
35. Belated First Information Report should normally be scrutinized with caution. In this case, the victim witness was about 65 years old at the time of occurrence. She has seen the accused very closely when he came and enquired about the residence of the painter. The victim had a close view of the accused soon before he snatched her chain. Therefore, identifying the person in the Court after 1 1/2 years of the occurrence cannot be suspected and rejected as impossible. The victim has identified her chain, M.O.1. It has been recovered from the goldsmith, by name, Subramani. He was not examined in this case as a prosecution witness. The seizure mahazar in respect of the recovery of the chain from Subramani is marked as Ex.P.4 and spoken by P.W.7.

36. The vehicle Hero Honda Splendor bearing Registration No. TN-47-V-2226 used for the crime, has not been produced before the Court through P.W.7. P.W.7 has deposed that the vehicle was seized and it has not been produced before the Court. Particularly, when the complaint, Ex.P.1, dated 26.08.2013, does not disclose the make of the vehicle. The complaint Ex.P.1 only says it was black colour motor cycle bearing Registration No. TN-47-V-2226, whereas in the First Information Report, the make of the vehicle is also mentioned as "Hero Honda", cause some doubt in the mind, however, the other prosecution evidence, such as, identification of the accused by the victim witness (P.W.1) and recovery of chain, M.O.1 from Subramani under mahazar, Ex.P.4 based on the confession of the accused, this Court finds no perversity in the decisions of the Courts below. However, the sentence is reduced to 2 years rigorous imprisonment and fine Rs.500/-, in default to undergo 1 month rigorous imprisonment. With the said modification, this Criminal Revision Case is liable to be partly allowed.

Crl.R.C(MD)No.464 of 2018:

37. This revision is filed challenging the concurrent findings of the Courts below in C.A.No.53 of 2018 confirming the Judgment of the Trial Court in C.C.No.171 of 2013.

38. The case of the prosecution is that one P.Kaliammal, wife of Pitchaimuthu, residing at Door No.5A/4, Balaji Nager Extension, Near Vellai Goundan Nagar, Thanthonimalai Post, Karur gave a complaint to Pasupathipalayam Police Station on 26.08.2013, informing that on 25.08.2013, when she was returning from Thirumanilaiyur to his house around 01.30 p.m. and walking towards south to her house near Vellai

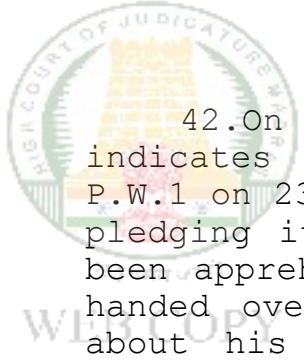


Goundan Nagar Arch, two youths aged about 25, wearing pant and shirt, came behind her in two wheeler. The person, who was driving the two wheeler was of fair complexion. The pillion rider was of moderate complexion. The pillion rider got down from the two wheeler, came near her and enquired where the centring Subramani's house. Suddenly, the youth snatched her two sovereigns gold chain and fled towards north in the motor cycle driven by fair complexion person. She raised alarm and went to the nearby tea shop and told its owner Chidambaram about the incident. She called her sons over phone. Her two sons Sankar and Vadivel came to the spot and took her back to the home.

39.The FIR was registered in Crime No.394 of 2013 and the same was forwarded to the learned Judicial Magistrate No.I, Karur and received by the Court on 27.08.2013. The complaint is marked as Ex.P.1 through Kaliammal (P.W.1). She has explained the reason for the delay in filing the complaint. She has deposed that after the incident, she was not keeping good health for three days and thereafter she came to the police station along with her sons and lodged the complaint. She has identified her chain, marked as M.O.1, which was recovered under mahazar, based on the confession statement given by this accused and the co-accused.

40.The revision petitioner herein was apprehended by the general public while snatching the chain of one Kaliammal, near Murugan Temple, Rayanoor-Chellandipalayam Road and handed over him to Pasupathipalayam Police Station on 30.08.2013. Based on his information, Stalin, his accomplice, was arrested on 31.08.2013. In the confession statement of Stalin, he informed that the chain snatched from a lady near arch on 23.08.2013 was given to his friend Rajamanickam to pledge and raise money. Accordingly, in the presence of independent witnesses, V.Ratnam and Seenivasan, the police has recovered her two sovereigns gold chain from Rajamanickam. The said chain was produced in the Court under Form-95 and the same has been identified by P.W.1 during the examination before the Court. P.W.1 also identified the revision petitioner, who came and enquired about some person and then snatched the chain. She has also identified Stalin, who was on the wheels of the two wheeler.

41.The evidence of the victim regarding snatching of chain by the accused is corroborated by the tea shop owner Chidambaram, examined as P.W.2. Her son has been examined as P.W.4, who has deposed regarding lodging of complaint. P.W.6, V.A.O., is the witness to the confession statement. The other witness for the confession statement P.W.8, who is the signatory to the seizure mahazar Ex.P.10, though turned hostile, the chain recovered from Rajamanickam based on the information given by Stalin in his confession statement, is identified by P.W.1 and therefore no serious doubt could be entertained regarding the seizure, despite seizure witness P.W.8 turned hostile.



42. On the whole, the appreciation of evidence, clearly indicates that the revision petitioner has snatched the chain of P.W.1 on 23.08.2013. He had given the chain to one Rajamanickam for pledging it and to raise money. Meanwhile, on 30.08.2013, he had been apprehended by public, while doing a similar crime and he was handed over to the police. During interrogation, he has stated about his involvement in this case and other cases of similar nature. The three days delay in filing the complaint and hostility of P.W.8, do not dent the case of the prosecution, as contended by the learned counsel appearing for the revision petitioner. While the prosecution witnesses clearly prove the guilt of the accused in the said crime, this Court finds no illegality in the orders of the Courts below. However, the sentence is reduced to 2 years rigorous imprisonment and fine Rs.500/-, in default to undergo 1 month rigorous imprisonment. With the said modification, this Criminal Revision Case is liable to be partly allowed.

CrI.R.C(MD)No.465 of 2018:

43. This revision is filed challenging the concurrent findings of the Courts below in C.A.No.55 of 2018 confirming the Judgment of the Trial Court in C.C.No.173 of 2013.

44. According to the prosecution, G.Jansirani, P.W.1, gave a complaint on 27.08.2013 to Mr.Prithiviraj, Inspector of Police, Pasupathipalayam Police Station, informing that on 16.08.2013 at about 12.30 p.m., when she was talking in her cell phone near the entrance of her house, two persons in Yamaha Crux motor cycle bearing Registration No.TN-47-AD-7044 came. The person, who was driving the two wheeler was fair in complexion and the person, who was sitting in the pillion was dark and tall. The fair complexion person came near her and enquired her whether the path will lead to tank road. She signed her hand towards east. At that time, he slashed her 2 sovereign gold chain and fled away. She and her husband tried to chase them. At that time, the person, who was sitting in the pillion took out a knife from pant and threatened to stab them. Since, she lost the chain, she became sick and after recovery, she gave complaint.

45. Based on the complaint, FIR has been registered in Crime No.397 of 2013 under Section 392 IPC. It has been forwarded to the Magistrate on 29.08.2013. On 30.08.2013, Rahamathullah, the revision petitioner was caught by the public, when he snatched chain of one Kaliaammal, near Murugan Temple, Rayanoor-Checkandipalayam Road. His associate Stalin was arrested on the next day, i.e., on 31.08.2013. Both have given confession statements of various chain snatching by them. Rahamathullah in his confession has stated about the chain snatched from the lady during the second week of August, 2013 at Ram Nagar, Gandhigram at about 12.30 p.m.

46. In the Confession of Rahamathullah, he has stated that the chain was retained by Stalin. The confession statement, disclosing



facts which are exclusively to the knowledge of the accused, was recorded in the presence of Alagirisamy, V.A.O. and Kanakaraj, Village Assistant, who have been examined as P.W.4 and P.W.5 respectively. The admissible portion of the confession is marked as Ex.P.3.

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47. In the confession statement of Stalin, he has stated that the chain, which he has snatched from a lady during the second week of August, 2013, at Ram Nagar, Gandhigram, was retained by him. He went to Dhanalaxmi Bankers to pledge the same. Since, they asked for Family Card or Voter Identity Card, he told them to keep the chain with them in their custody and he will come with the required document and get money. Based on this information, on 31.08.2013, at about 15.30 hours, in the presence of witnesses, Ratnam and P. Seenivasan (P.W.6), Mr. Arulmozhiyarasu, Inspector of Police, recovered the chain from Dhanalaxmi Bankers.

48. P.W.1, Jansirani, in her evidence has spoken about the manner in which the accused came in two wheeler and enquired about some directions and while she was responding them, the revision petitioner/A.2, snatched her chain. She has also identified A.1, Stalin, who came driven the two wheeler. In her evidence, she has stated that from the police station, she was informed that they have recovered the chain. Hence, she went to the police station and identified her chain. The said chain is marked as M.O.1. In the cross-examination, she has stated that due to the loss of her chain, she suffered mental agony and therefore, she did not immediately lodge the complaint.

49. P.W.2, Gobinath, husband of P.W.1 has spoken about the fact that P.W.1 was talking her cellphone at the entrance of her house and he was inside the house, when he heard the scream of his wife. He and his wife tried to chase the duo. He has identified the revision petitioner herein as the person who was snatched the chain from his wife.

50. As far as the confession and recovery, the VAO and Village Assistant have substantiated the case of the prosecution. Besides, P.W.7, Sakthivel, the proprietor of Dhanalaxmi Bankers, had identified the person, who was pledged the chain, M.O.1 on 17.08.2013. In the cross examination, he admits that he has not received any receipt and he has not asked any document from the accused while receiving the jewel under pledge contrary to the prosecution case as found in the confession statement. However, the fact remains that on 16.08.2013, P.W.1 lost the chain to A.1 and A.2. The said chain has been recovered from Dhanalaxmi Bankers. The said fact is proved through the evidence of Sakthivel (P.W.7) and Arulmozhi Arasu (P.W.10), Inspector of Police. While P.W.1 and P.W.2 have identified the person, who has snatched the chain and P.W.7 has identified the person who has pledged the chain, which was later recovered under mahazar, the same is suffice to indicate that the revision petitioner is the person, who has snatched the chain from P.W.1.



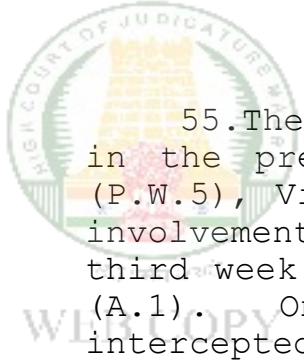
51.The contention of the learned counsel appearing for the revision petitioner that the delay of 11 days in lodging the complaint is fatal to the prosecution, did not carry any merit in the of the explanation given by the de facto complainant, P.W.1. She being under the state of shock, she was not able to give the complaint immediately. This delay in lodging the complaint, do not impair the case of the prosecution in view of the other substantive and overwhelming evidence against the revision petitioner. Since the finding of the Courts below is based on evidence and sustainable, this Court finds no ground to interfere in the concurrent findings of the Courts below. However, the sentence is reduced to 2 years rigorous imprisonment and fine Rs.500/-, in default to undergo 1 month rigorous imprisonment. With the said modification, this Criminal Revision Case is liable to be partly allowed.

CrI.R.C(MD)No.467 of 2018:

52.This revision is filed challenging the concurrent findings of the Courts below in C.A.No.52 of 2018 confirming the Judgment of the Trial Court in C.C.No.170 of 2013.

53.The case of the prosecution is that on 26.08.2013, the Sub Inspector of Police, in-charge of Pasupathipalayam Police Station, Mr.Prithviraj (P.W.9) received a complaint from Saraswathi, wife of Vairaperumal, resident of Door No.1157/4, Gandhigram South, 4th Cross, Karur, informing that on 25.08.2013, at about 10.00 a.m., when she was returning towards his house, after disposing waste at nearby municipal ground, two youngsters aged about 25 years in pant and shirt came from east to west direction towards her and the person who was driving the two wheeler vehicle was fair and the person who was sitting in the pillion was a moderate in complexion. If she sees them, she could identify. The youth was sitting in the pillion suddenly snatched her two sovereign gold chain. Two fled away towards north. She has screamed and raised alarm. His son, Visvanathan came hearing the scream and tried to chase the two youngsters, who fled in the two wheeler. But they were not able to catch them.

54.This complaint dated 26.08.2013 informing about the incident which tookplace on the previous day at 10.00 a.m., was received by P.W.9 and he registered F.I.R. (Ex.P.9) and forwarded the same to the learned Judicial Magistrate No.I, Karur, which was received by the Court on 27.08.2013 at 10.00 a.m. Later on 30.08.2013, Rahamathulla (revision petitioner) was handed over by the public for snatching chain of Kaliammal, near Murugan Temple, Rayanoor-Chellandipalayam Road. The respondent police registered case against this revision petitioner and one Stalin in Crime No.402 of 2013 and commenced investigation.



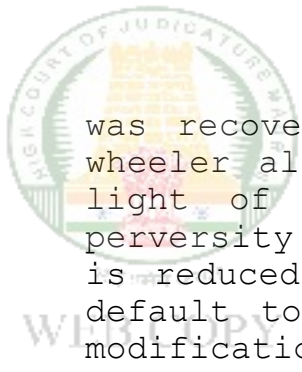
55.The revision petitioner herein gave a confession statement in the presence of Alagirisamy (P.W.4), V.A.O. and C.Kanakaraj (P.W.5), Village Assistant, wherein the accused confessed about his involvement in the case of snatching chain of Palaniammal during the third week of June, 2013 and the 4 sovereigns chain is with Stalin (A.1). On the next day, 31.08.2013 at 10.00 a.m., Stalin was intercepted by the police, while he was riding motor cycle, Hero Honda Splendor, carrying a knife inside the petrol tank cover. 2 sovereign chain which he confessed to have snatched from a lady on 25.08.2013 near Mariamman Koil, Gandhigram was recovered from his possession.

56.The prosecution has examined 10 witnesses and marked 13 exhibits. The photocopy of the chain marked as Ex.P.3 was returned to the de facto complainant Saraswathi (P.W.1).

57.P.W.1 has deposed about the manner in which her chain was snatched on 25.08.2013 at 10.00 p.m. and her complaint Ex.P.1 to the police on the next day. After 10 days of her complaint, she was called to the police station. She identified the accused and the chain which was snatched by them. On petition, the Trial Court has returned the chain to the de facto complainant pending disposal of the trial. Her petition for return of property is marked as Ex.P.2. The photocopy of the property is marked as Ex.P.3. Her evidence is unimpeachable and also corroborated by P.W.2, her son, who has rushed to the spot on hearing the scream of P.W.1 and accompanied P.W.1 to the police station for lodging the complaint, Ex.P.1. In addition, P.W.3, Manivannal (P.W.3) and Ravichandran (P.W.4) have spoken about the incident and complaint given to the police.

58.Based on the confession given by the accused, the chain has been recovered from the residence of A.1, Stalin under mahazar Ex.P.8 in the presence of independent witnesses Ratnam and Seenivasan (P.W.8) by Arulmozhi Arasu, Inspector of Police. Form-95 has been forwarded to the Court. Later, on petition the property has been given to the de facto complainant (P.W.1) and the same is spoken by P.W.1. In the said circumstances, since the evidence of the prosecution witnesses is cogent and convincing, the Courts below have held the accused guilty under Section 392 IPC.

59.The grounds raised in the revision petition have been tested with the available materials on record. In the light of overwhelming evidence indicating the guilt towards the revision petitioner, who has snatched the chain of Saraswathi (P.W.1) on 25.08.2013, regarding which the complaint has been lodged on the very next day and the same has been forwarded to the learned Judicial Magistrate No.I, Karur, this Court finds no force in the submission made by the learned counsel appearing for the revision petitioner regarding the delay in F.I.R. Through the prosecution witnesses, the one day delay in lodging FIR has been convincingly explained. P.W.1 has identified the revision petitioner, who has snatched the chain and also she has identified her gold chain, which



was recovered from the co-accused Stalin, who was riding the two wheeler along with the revision petitioner on 25.08.2013. In the light of the proven facts, this Court finds no infirmity or perversity in the orders of the Courts below. However, the sentence is reduced to 2 years rigorous imprisonment and fine Rs.500/-, in default to undergo 1 month rigorous imprisonment. With the said modification, this Criminal Revision Case is liable to be partly allowed.

Crl.R.C(MD)No.468 of 2018:

60.This revision is filed challenging the concurrent findings of the Courts below in C.A.No.49 of 2018 confirming the Judgment of the Trial Court in C.C.No.167 of 2013.

61.One S.Vasanth, a resident of Door No.51, Kamarajar Nagar, Thanthonimalai, Karur has given a complaint (Ex.P.1) to the respondent police on 28.08.2013, informing about the snatching of 2 sovereign gold chain by two persons approximately aged about 25 years wearing pant and shirt, identifiable, but name and address not known.

62.According to her complaint, on 10.08.2013, at about 05.00 p.m., when she was going to her mother's house in her TVS XL Super along Thanthonimalai Main Road, two persons in a two wheeler bearing Registration No.TN-47-AB-7546 came behind her near Thanthonimalai Union Office. They shouted at her and distracted her concentration. While she turns towards them, the person sitting in the pillion, snatched her two sovereign gold chain and fled away in the two wheeler towards the western direction. Immediately, she raised alarm and shouted. Few people nearby came and tried to catch them. But their attempt failed.

63.This complaint was registered in Crime No.399 of 2013 under Section 392 IPC by the police on 28.08.2013 at about 15.00 hours. P.W.1 Vasanth has identified her complaint Ex.P.1 and the photograph of the chain marked as M.O.1., since she has taken the custody of the chain on petition.

64.According to the prosecution, on 30.08.2013, Rahamathullah, the revision petitioner herein, was caught by the public while he involved in a chain snatching. He confessed about his involvement in several chain snatching along with his associate Stalin. The police arrested Stalin on 31.08.2013. Based on the confession statement given by Rahamathulla and Stalin about their involvement in chain snatching, their confession statements have been recorded in the presence of independent witnesses and also chains were recovered from the possession of Rahamathulla, Stalin and from one Subramani to whom Rahamathulla sold two chains. Some of the chains were recovered from the possession of Stalin also. Based on this information, few chains were recovered from third parties with whom he has given the custody.



65. In this case, the chain of Vasantha has been recovered from Venkateswara Jewellers. The mahazar for the recovery of the said jewel in the presence of independent witnesses, Ratnam and Seenivasan, has been recovered on 31.08.2013 at 16.30 hours. Seenivasan has been examined by the prosecution as P.W.7. He identified his signature in the mahazar. However, he has not spoken specifically about the seizure of the chain from Venkateswara Jewellers. Hence, he has been treated as hostile.

66. The learned counsel appearing for the revision petitioner would submit that the time and recovery of hostile evidence of P.W.7 would clearly indicate that the chain was not recovered in the manner spoken by the prosecution witnesses and even according to the prosecution, the chain was in the possession of Stalin and he pledged the chain with Seenivasan, Managing Partner of Venkateswara Jewellers. The said Seenivasan, son of Palanichamy, examined as P.W.8, has deposed that on 18.08.2013, Stalin came and pledged two sovereign chain. Since he insisted for Ration Card and two sureties, he left the shop requesting to keep the chain with themselves, he will bring sureties and document and get money. While this witness has deposed that the police came to his shop on 31.08.2013, between 04.00 p.m. to 05.00 p.m. and showed the receipt of his shop and enquired whether Stalin pledged the jewel found in the receipt, the prosecution has not produced the receipt before the Court and therefore the evidence of P.W.8, Seenivasan ought to have been disbelieved.

67. The said submission does not carry much significance, since the Courts below have taken note of the evidence placed by the prosecution in this case as well as the other case and had arrived at a conclusion that the revision petitioner herein in association with Stalin had involved in the crime of chain snatching. The victims who have lost the chain, had identified the chains, which were recovered from various persons, based on the information given by the revision petitioner or his associate. The said conclusion of the Courts below could not be faulted. The points raised in the revision petition does not warrant any consideration, since there is no illegality or infirmity in the findings of the Courts below. Since the finding of the Courts below is based on evidence and sustainable, this Court finds no ground to interfere in the concurrent findings of the Courts below. However, the sentence is reduced to 2 years rigorous imprisonment and fine Rs.500/-, in default to undergo 1 month rigorous imprisonment. With the said modification, this Criminal Revision Case is liable to be partly allowed.

Cr1.R.C(MD)No.461 of 2018:

68. This Criminal Revision Case is directed against the Judgment passed by the learned Judicial Magistrate No.I, Karur in C.C.No.169 of 2013 and confirmed by the learned Additional Sessions Judge, Karur, in C.A.No.51 of 2018.

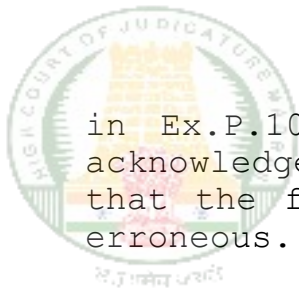


69. According to the prosecution, on 17.06.2013, one Jeevanantham, 4th Street, Bharathidasan, Nagar, Thanthonimalai, Karur, gave the complaint (Ex.P.1) informing about snatching of his mother-in-law's chain weighing 4 sovereigns by two persons, riding motor cycle, at about 12.30 hours, while she was returning from ration shop. The Sub Inspector of Police, Pasupathipalayam Police Station, has registered F.I.R. (Ex.P.7). The FIR has been received by the learned Judicial Magistrate No.I, Karur on 25.06.2013. Later on 30.08.2013, Rahamathulla (revision petitioner) was handed over by the public for snatching chain of Kaliammal, near Murugan Temple, Rayanoor-Chandrapalayam Road. The respondent police registered case against this revision petitioner and one Stalin in Crime No.402 of 2013 and commenced investigation.

70. The revision petitioner herein gave a confession statement in the presence of Alagirisamy, V.A.O. (P.W.4) and C.Kanakaraj, Village Assistant (P.W.5), wherein the accused confessed about his involvement in the case of snatching chain of Palaniammal during the third week of June, 2013 and the 4 sovereigns chain is with Stalin (A.1). On the next day, 31.08.2013 at 10.00 a.m., Stalin was intercepted by the police, while he was riding motor cycle, Hero Honda Splendor, carrying a knife inside the petrol tank cover. 2 sovereign chain which he confessed to have snatched from a lady on 25.08.2013 near Mariamman Koil, Gandhigram was recovered from his possession. Further on the information of Stalin, the 4 sovereign chain snatched from Tmt.Palaniammal was recovered from the house of Stalin under mahazar, in the presence of witnesses V.Ratnam and P.Seenivasan. The signature of P.Seenivasan in the mahazar is marked as Ex.P.6. He has not deposed about recovery in his chief, hence treated as hostile and subjected to cross examination. The witness to the observation mahazar and sketch of the seizure of chain examined as P.W.3.

71. Based on the evidence of the de facto complainant (P.W.1), his friend Dhandapani (P.W.2) who accompanied P.W.1 to the police station on 17.06.2013 to give complaint and the evidence of V.A.O., who has spoken about the confession and the recovery mahazar, the Trial Court has held this accused guilty of offence under Section 392 IPC and sentenced him to undergo 3 years simple imprisonment and to pay a fine of Rs.500/-. Since the accused was found guilty in 9 other similar cases, the period of sentence was ordered to run concurrently with the period of sentence imposed in those cases. The appellate Court has confirmed the Trial Court's Judgment.

72. The contention of the learned counsel appearing for the revision petitioner is that P.W.6 Seenivasan, the witness for recovery mahazar has turned hostile. He does not support the prosecution regarding recovery of chain. The chain alleged to have snatched from the said Palaniammal has not been produced before the Court. P.W.8, Arulmozhi, Inspector of Police, has deposed that he forwarded the case property chain along with Form-95, Ex.P.10, but



in Ex.P.10, the receipt of the property described has not been acknowledged by the Court. Therefore, the learned counsel prays that the finding of the Courts below in this case is improper and erroneous.

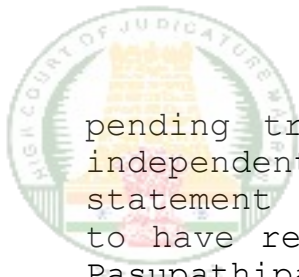
73.This Court finds force in the above submission. None of the prosecution witness has identified the chain, which is the subject matter of this case. In form-95, Ex.P.10, on 31.08.2013, the clerk has returned the papers to be produced with property. The Sub Inspector of Police, has resubmitted Form-95 on 04.09.2013. But whether Form-95 was submitted along with property and whether it was received by the Court and kept in valuable box has not been found in Ex.P.12. The doubt gets greater in view of the omission to mark the chain. No explanation on the part of the prosecution about the whereabouts of the chain. In the said circumstances, this Court holds that the Courts below have decided this case without appreciating the evidence available properly. Therefore, the revision petition is liable to be allowed. The Judgment of conviction and sentence are liable to be set aside.

Crl.R.C(MD)No.466 of 2018:

74.This Criminal Revision Case is directed against the Judgment passed by the learned Additional Sessions Judge, Karur, in C.A.No.50 of 2018, dated 31.05.2018, confirming the Judgment of the learned Judicial Magistrate No.I, Karur in C.C.No.168 of 2013, dated 02.04.2018.

75.Rani, complainant, in her complaint, dated 29.08.2013, has stated that on 19.08.2013 at 08.00 p.m., while she was returning home after her duty from Vengalamman Departmental Stores, near Pillaiyar Temple, Jeeva Nagar, Thanthonimalai, two persons in a motor cycle came in the opposite direction and the person seated in the pillion, snatched her 3 sovereign and fled away. She came home and told about it to her husband. Since she fell ill, she did not lodge police complaint immediately. So, on 29.08.2013, lodged her written complaint and the same was registered in Crime No.400 of 2013 on the file of Pasupathipalayam Police Station at 18.00 hours. First Information Report reached the learned Judicial Magistrate No.I, Karur on the next day.

76.When the revision petitioner was arrested for snatching chain from one Kaliasammal of Rayanoor on 30.08.2013, in Crime No.402 of 2013, the accused Rahamathulla gave a confession regarding his involvement in this case along with his friend Stalin. Based on his confession, Stalin was apprehended in the next day on 31.08.2013. In his confession, the chain snatched from P.W.1, Rani was recovered from the residence of Stalin under mahazar. The signatures of the independent witnesses were obtained for recovery of the same. P.W.1 identified the chain and got back from the Court for interim custody. Later, the photograph of the chain was marked as M.O.1. In the cross examination, P.W.1 has told that she sold the chain



pending trial. Therefore, the chain has not been identified by independent witnesses. P.W.5, Kanakaraj, witness to the confession statement of Stalin, whose possession, the chain M.O.1 was alleged to have recovered, has deposed that on 30.08.2013, when he went to Pasupathipalayam Police Station at about 06.45 p.m. he saw both the accused in the station. Whereas as per the prosecution records, Stalin was arrested only on 31.08.2013 at 10.00 a.m. during vehicle check-up. P.W.6, Manikandan, son of Rani (P.W.1) corroborates the evidence of P.W.1, assigning reason for the ten days delay in lodging the complaint. Though the reason for delay appears justifiable, the non-production of the corpus delicti, evidence of P.W.5 who admits the presence of Stalin (A.1) on 30.08.2013 in Pasupathipalayam Police Station, put together indicates that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. The mahazar witness to confession and recovery has failed to substantiate the recovery of M.O.1 from Stalin (A.1). The witness for the said recovery, Mr. Seenivasan (P.W.7) has turned hostile and not supported the case of the prosecution regarding the recovery of M.O.1 from Stalin (A.1.) together with non-marking of the chain, which is the corpus delicti renders the Judgements of the Courts below improper. In the said circumstances, convicting A.2 solely based on the ocular evidence of P.W.2 that A.2 snatched the chain is unsafe for lack of corroboration. Hence, this Criminal Revision is liable to be allowed.

77. In the result,

(i) CrI.R.C(MD)No.460 of 2018 is allowed in part. The conviction passed in C.C.No.174 of 2013, dated 02.04.2018, by the learned Judicial Magistrate No.I, Karur and upheld in C.A.No.56 of 2018, dated 31.05.2018, by the learned Additional Sessions Judge, Karur, is confirmed. However, the quantum of sentence passed by the trial Court, upheld by the first appellate Court, is modified to the effect that the revision petitioner/accused No.2 is sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.500/-, in default to undergo 1 month rigorous imprisonment.

(ii) CrI.R.C(MD)No.459 of 2018 is allowed in part and the conviction passed in C.C.No.175 of 2013, dated 02.04.2018, by the learned Judicial Magistrate No.I, Karur and upheld in C.A.No.57 of 2018, dated 31.05.2018, by the learned Additional Sessions Judge, Karur is confirmed. However, the quantum of sentence passed by the trial Court, upheld by the first appellate Court, is modified to the effect that the revision petitioner/accused No.2 is sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.500/-, in default to undergo 1 month rigorous imprisonment.

(iii) CrI.R.C(MD)No.462 of 2018 is allowed in part and the conviction passed in C.C.No.172 of 2013, dated 02.04.2018, by the learned Judicial Magistrate No.I, Karur and upheld in C.A.No.54 of 2018, dated 31.05.2018, by the learned Additional Sessions Judge, Karur is confirmed. However, the quantum of sentence passed by the



trial Court, upheld by the first appellate Court, is modified to the effect that the revision petitioner/accused No.2 is sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.500/-, in default to undergo 1 month rigorous imprisonment.

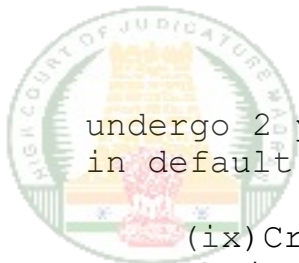
(iv) CrI.R.C(MD)No.463 of 2018 is allowed in part and the conviction passed in C.C.No.199 of 2013, dated 02.04.2018, by the learned Judicial Magistrate No.I, Karur and upheld in C.A.No.58 of 2018, dated 31.05.2018, by the learned Additional Sessions Judge, Karur is confirmed. However, the quantum of sentence passed by the trial Court, upheld by the first appellate Court, is modified to the effect that the revision petitioner/accused No.2 is sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.500/-, in default to undergo 1 month rigorous imprisonment.

(v) CrI.R.C(MD)No.464 of 2018 is allowed in part and the conviction passed in C.C.No.171 of 2013, dated 02.04.2018, by the learned Judicial Magistrate No.I, Karur, and upheld in C.A.No.53 of 2018, dated 31.05.2018, by the learned Additional Sessions Judge, Karur, is confirmed. However, the quantum of sentence passed by the trial Court, upheld by the first appellate Court, is modified to the effect that the revision petitioner/accused No.2 is sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.500/-, in default to undergo 1 month rigorous imprisonment.

(vi) CrI.R.C(MD)No.465 of 2018 is allowed in part and the conviction passed in C.C.No.173 of 2013, dated 02.04.2018, by the learned Judicial Magistrate No.I, Karur, and upheld in C.A.No.55 of 2018, dated 31.05.2018, by the learned Additional Sessions Judge, Karur, is confirmed. However, the quantum of sentence passed by the trial Court, upheld by the first appellate Court, is modified to the effect that the revision petitioner/accused No.2 is sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.500/-, in default to undergo 1 month rigorous imprisonment.

(vii) CrI.R.C(MD)No.467 of 2018 is allowed in part and the conviction passed in C.C.No.170 of 2013, dated 02.04.2018, by the learned Judicial Magistrate No.I, Karur and upheld in C.A.No.52 of 2018, dated 31.05.2018, by the learned Additional Sessions Judge, Karur, is confirmed. However, the quantum of sentence passed by the trial Court, upheld by the first appellate Court, is modified to the effect that the revision petitioner/accused No.2 is sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.500/-, in default to undergo 1 month rigorous imprisonment.

(viii) CrI.R.C(MD)No.468 of 2018 is allowed in part and the conviction passed in C.C.No.167 of 2013, dated 02.04.2018, by the learned Judicial Magistrate No.I, Karur and upheld in C.A.No.49 of 2018, dated 31.05.2018, by the learned Additional Sessions Judge, Karur, is confirmed. However, the quantum of sentence passed by the trial Court, upheld by the first appellate Court, is modified to the effect that the revision petitioner/accused No.2 is sentenced to



undergo 2 years rigorous imprisonment and to pay a fine of Rs.500/-, in default to undergo 1 month rigorous imprisonment.

(ix) CrI.R.C(MD)No.461 of 2018 is allowed and the Judgment passed in C.C.No.169 of 2013, dated 02.04.2018, by the learned Judicial Magistrate No.I, Karur, as confirmed in C.A.No.51 of 2018, dated 31.05.2018, by the learned Additional Sessions Judge, Karur, is hereby set aside. The revision petitioner/A.2 is acquitted. Fine amount, if any, paid by him, shall be refunded forthwith.

(x) CrI.R.C(MD)No.466 of 2018 is allowed and the Judgment passed in C.C.No.168 of 2013, dated 02.04.2018, by the learned Judicial Magistrate No.I, Karur, as confirmed in C.A.No.50 of 2018, dated 31.05.2018, by the learned Additional Sessions Judge, Karur, is hereby set aside. The revision petitioner/A.2 is acquitted. Fine amount, if any, paid by him, shall be refunded forthwith.

78.Since the revision petitioner is found guilty in C.C.Nos.167, 170, 171, 172, 173, 174, 175 and 199 of 2013 on the file of the Trial Court and the revisions filed by him against the same, are allowed in part modifying the sentence to the effect that the revision petitioner/accused No.2 is sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.500/-, in default to undergo 1 month rigorous imprisonment, order as to his release in C.C.Nos.168 and 169 of 2013, does not arise.

79.The sentence imposed in C.C.Nos.170, 171, 172, 173, 174, 175 and 199 of 2013 shall run concurrently along with C.C.No.167 of 2013. The period of sentence already undergone by the revision petitioner/A.2 shall be set off.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

To

- 1.The Additional Sessions Judge,
Karur.
- 2.The Judicial Magistrate No.I,
Karur.
- 3.The Chief Judicial Magistrate,
Karur.
- 4.The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.



5.The Superintendent, Central Prison,
Trichy.

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

7.The Record Keeper,
Criminal Section(Record)
Madurai Bench of Madras High Court,
Madurai. **(2 copies)**

Crl.R.C (MD) Nos.459 to 468 of 2018
10.09.2018

SMN
ES/SV/SAR 1/14.09.2018/25P/9C