

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.08.2019

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.A.Nos.127 & 129 of 2009

Sadiq @ Sadiqbasha .. Appellants/Accused/Accused  
in both appeals

Vs  
The State rep.by  
The Inspector of Police  
B2 Vishnu Kanchi Police Station,  
Kancheepuram ... Respondent/Complainant/Police  
in both appeals

Prayer in Crl.A.127/2009 :- Criminal Appeal filed under section 374[2] Cr.P.C., against the sentence and conviction passed in SC.No.13/2008 dated 29.07.2008 on the file of the learned Additional Sessions Judge, Fast Track Court No.II, Kancheepuram.

Prayer in Crl.A.129/2009 :-Criminal Appeal filed under section 374[2] Cr.P.C., against the sentence and conviction passed in SC.No.14/2008 dated 29.07.2008 on the file of the learned Additional Sessions Judge, Fast Track Court No.II, Kancheepuram.

For Appellant : Mr.S.Selvathirumurugan  
Legal Aid counsel in both appeals

For Respondent : Mr.K.Prabakaran, APP  
in both appeals

COMMON JUDGMENT

1. Criminal Appeal No.127/2009 arises against the conviction and sentence passed by the learned Additional Sessions Judge/Fast Track Court No.II, Kanchipuram in S.C.No.13/2008 dated 29.07.2008, finding the appellant guilty for the offence u/s.294[b], 341, 332 and 324 of IPC and convicting him and sentencing him to undergo 3 months simple imprisonment for the offence u/s.294[b] IPC ; to undergo one month simple imprisonment for the offence u/s.341 IPC ; to undergo 3 years rigorous imprisonment for each of the offences u/s.324 and 332 IPC. The sentences were ordered to run concurrently and the period already undergone by the appellant/accused was given set off.

2. Criminal Appeal No.127/2009 arises against the conviction and sentence passed by the very same learned Judge, viz., learned Additional Sessions Judge/Fast Track Court No.II, Kanchipuram, in S.C.No.14/2008, dated 29.07.2008 finding the appellant guilty for the offence and convicting the offences u/s.294[b], 332 and 324 IPC and convicting and sentencing him to undergo 3 months simple imprisonment for the offence u/s.294[b] IPC ; to undergo 3 years rigorous imprisonment for each of the offences u/s.324 and 332 IPC. The sentences were ordered to run concurrently and the period already undergone by the appellant/accused was given set off.
3. Further, the trial Court had also ordered the sentences in S.C.No.13/2008 and S.C.No.14/2008 to run concurrently.
4. When the matter was taken up today, the learned Additional Public Prosecutor has produced the letter of the Superintendent of Prisons, Central Prison-I (convict), Puzhal, Chennai-66, addressed to the Inspector of Police, P2, Vishnu Kanchi Police Station, Kanchipuram, wherein, it has been stated that the appellant was admitted to prison on 28.10.2008 and thereafter, as per the Prison Rules, he has been given a remission of 71 days and that he has been let off from the prison on 03.05.2010 after undergoing and completing the sentence of imprisonment imposed in both the cases. He would further submit that the appellant was arrested and remanded on 27.04.2007 in the above two cases and thereafter, he was released on bail on 19.11.2007 and during the trial, he was again arrested by PT Warrant on 08.02.2008 and thereafter, he had been convicted on 29.07.2008. He was arrested on PT Warrant and after conviction 29.07.2008, he was committed to prison and thereafter, he had undergone the period of sentence and after granting him usual remissions as per the prison Rules, he has been released from the Prison on 03.05.2010.
5. In view of the fact and the appellant had already undergone the period of sentence, these two appeals in CrI.A.Nos.127 & 129 of 2009, stand closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

jrs

To

1. The Additional Sessions Judge,  
Fast Track Court No.II, Kancheepuram.

2. The Public Prosecutor, High Court, Chennai.

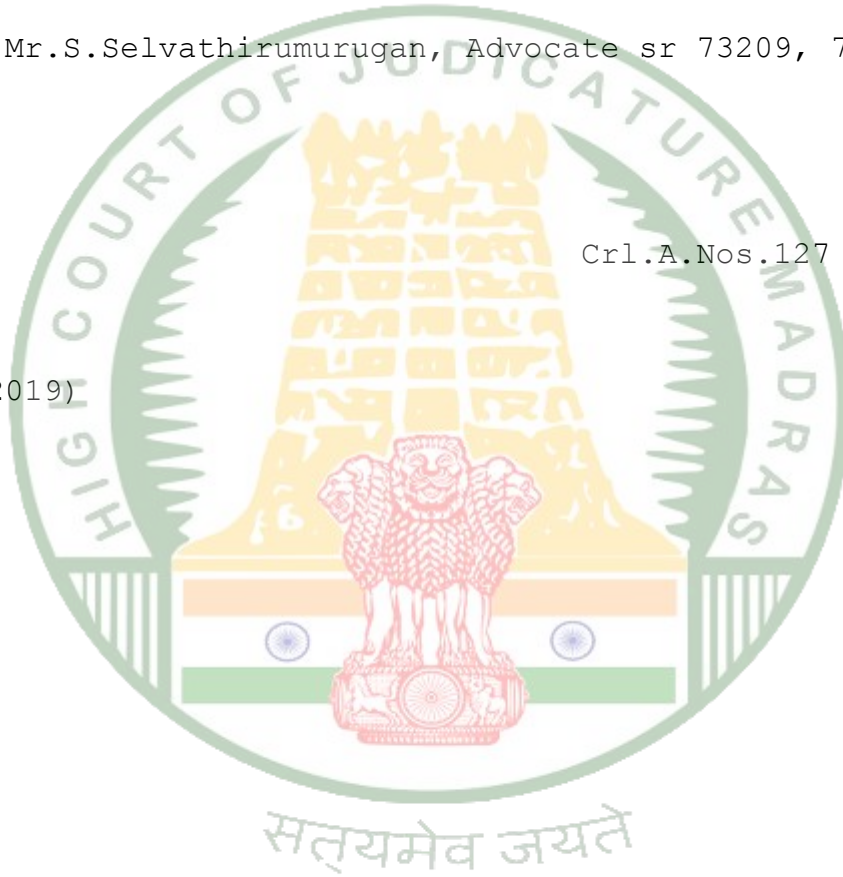
Copy to

The Section Officer  
Criminal Section  
High Court, Madras 104.

+2 CCS to Mr.S.Selvathirumurugan, Advocate sr 73209, 73208.

CrI.A.Nos.127 & 129 /2009

GMR (CO)  
SP (03/10/2019)



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