

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.A.No.210 of 2010

1.Muthu @ Muthappan @ Kuttappan

2.Pandi

... Appellants/Accused Nos. 1 & 2

Vs

The State by Inspector of Police,
Erode Taluk Police Station,
Crime No.39 of 2001,
Erode District.

... Respondent/Complainant

Prayer:- This Criminal Appeal is filed under Section 374(2) of the Code of Criminal Procedure against the judgement and order of Conviction, dated 22.07.2005, made in S.C.No.4 of 2005 on the file of the Principal Assistant Sessions Judge, Erode convicting the appellants under Sec.395 r/w 397 IPC by sentencing them to undergo 8 years R.I. with fine of Rs.500/- i/d to undergo 6 months R.I.

For Appellants : Mr.N.Manokaran
Mr.D.Gopal

For Respondent : Mrs.S.Thankira
Government Advocate (Crl.Side)

JUDGEMENT

This Criminal appeal has been filed against the judgment of conviction and sentence dated 22.07.2005 made in S.C.No.4 of 2005 on the file of the Principal Assistant Sessions Judge, Erode, wherein the appellants were convicted and sentenced to undergo 8 years RI with fine of Rs.500/- i/d to undergo 6 months R.I., under Section 395 r/2 397 IPC.

2.When the matter is taken up today, the learned Government Advocate submitted that apart from this case, the 1st appellant/Muthu @ Muthappan @ Kuttappan was tried along with one Lakshmanan in S.C.No.3 of 2005 and along with one Arumugam @ Murugan in S.C.No.5 of 2005. The 1st appellant had been convicted and sentenced to undergo eight years RI in S.C.No.5 of 2005 and eight years RI in S.C.Nos.3 & 4 of 2005 and the sentences were ordered to run concurrently. The 2nd

appellant/Pandi was sentenced to undergo eight years RI in S.C.No.4 of 2005.

3.It is further submitted by the learned Government Advocate that so far as the 1st appellant/Muthu @ Muthappan @ Kuttappan is concerned, the sentence was not suspended and he was not granted bail and as per the prison manual, he was given remission of 709 days and that having served the entire period of sentence, he was released on 23.01.2011. As regards the 2nd appellant/Pandi, he has been released on 17.07.2010 after serving the entire period of sentence. It is further submitted by the learned Government Advocate that the connected appeal in C.A.No.51 of 2010, which was filed by the 1st appellant herein/Muthu @ Muthappan @ Kuttappan against the judgment in S.C.No.5 of 2005, was disposed of by this Court on 10.07.2018 stating that the appellant having served the entire period of sentence and thereby nothing survives for adjudication in the appeal.

4.The learned counsel for the appearing for the appellants would submit that he has already returned the bundles to his clients and also intimated his clients/appellants herein.

5.In view of the submission made by the learned Government Advocate that the appellants have already served the entire sentence and released from jail, nothing survives for adjudication in this appeal. Accordingly the appeal is disposed of.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

gbi

To:

1.The Judge,
Principal Assistant Sessions Court, Erode.

2.The State by Inspector of Police,
Erode Taluk Police Station,
Crime No.39 of 2001,
Erode District.

3.The Public Prosecutor,
High Court, Madras.

Cr1.A.No.210 of 2010

AD(CO)

TSG(28/05/2019)