

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 13.06.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.A.No.9/2010

Viswanathan

..

Appellant

Vs

State by
Inspector of Police
Natrapalli Police Station
Vellore District.
(Crime No.172/2002)

..

Respondent

Prayer:- This Criminal Appeal is filed u/s.374[2] Cr.P.C., against the judgment of the learned Additional District and Sessions Judge [Fast Track Court], Tirupattur, Vellore District, made in SC.No.89/2006 by judgment dated 30.09.2008.

For Appellant : Mr.P.Muthukumaraswamy
Legal Aid Counsel
For Respondent : Mr.K.Prabakar, APP

JUDGMENT

The appeal has been preferred against the judgment of conviction and sentence awarded by the Trial Court, viz., the learned Additional District and Sessions Judge [Fast Track Court], Tirupattur, Vellore District, vide judgment dated 30.09.2008, wherein the appellant/A-1 was convicted for the offence under section 395 read with 397 IPC and was sentenced to undergo 5 years rigorous imprisonment.

2 The appellant/A-1 was not granted suspension of sentence and when the matter is taken up today, the learned Additional Public Prosecutor appearing for the State, on instructions from the respondent police, would submit that the appellant/A-1 had been in Central Prison, Vellore, from 19.03.2002 to 16.04.2003 [394 days] and thereafter, from 28.12.2005 to 19.07.2007 [569 days] and again from 01.09.2008 to 30.09.2008 [30 days], totalling to 993 days, during trial and thereafter, he was convicted by the Trial Court to undergo five years of rigorous imprisonment for the commission of the offence under section 395 read with

397 IPC and the period while the appellant/A-1 was in the Central Prison, Vellore, during trial, was given set off by the Trial Court under section 428 Cr.P.C. Further, the appellant/A-1 was convicted by the Trial Court on 30.09.2008 and from 30.09.2008 to 10.04.2010 [the date on which he was released from the jail], he was in prison for 557 days.

3 Today, it has been brought to the knowledge of this Court by the learned Additional Public Prosecutor by producing the communication of the Superintendent of Central Prison, Vellore addressed to the Sub Inspector of Police, Natrampalli Police Station, Natrampalli, dated 19.02.2016 vide Letter No.jF 4/24414, that the appellant/A-1 had already undergone the period of sentence awarded and after reducing the period under remission, he has been released on 10.04.2010.

4 In view of the fact that the appellant/A-1 had already undergone the period of sentence, nothing survives for adjudication. Accordingly, the criminal appeal stands disposed of.

Sd/-

Assistant Registrar(insp Cell)

//True Copy//

Sub Assistant Registrar

AP
To:

- 1.The Additional District and Sessions Judge
[Fast Track Court], Tirupattur, Vellore District .
- 2.Inspector of Police सतयमेव जयते
Natrampalli Police Station
Vellore District.
- 3.The Public Prosecutor,High Court, Madras.
- 4.The Superintendent,
Central Prison, Puzhal ,Chennai
- 5.The Judicial Magistrate,
No.4,Tirupathur
Vellore District
- 6.The Superintendent Central Prison,Vellore

+1cc to Mr. P.Muthukumaraswamy, Advocate SR.No. 48151

CrI.A.No.9/2010

A.SK(12/07/2019)