

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.04.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.R.C.No.847 of 2012

M.Pushpa

... Petitioner

Vs.

1. N.Selvi

2. State rep.by

The Inspector of Police,  
Economic Crime Wing, Villupuram.  
Crime No.2 of 2010

... Respondents

Prayer: Criminal Revision case filed under Section 397 r/w 401 of Cr.P.C. praying to set aside the order in C.C.No.4 of 2010 on the file of the Chief Judicial Magistrate, villupuram dated 18.11.2011 and thereby allow the revision.

For Petitioner : Mr.R.Krishnarajan

For R1 : No appearance

For R2 : Mrs.Kritika kamal

Government Advocate(crl.side)

O R D E R

The defacto complainant aggrieved by inadequacy of sentence imposed on the first respondent/accused has preferred this revision petition under Section 397 r/w 401 IPC.

2. According to the revision petitioner, the first respondent/accused conducted an un-registered chit and collected money from her at the rate of Rs.5000/- per month. After expiry of payment of chit amount for 20 instalments, the first respondent failed to pay the chit amount of Rs.1,53,180/- and also a sum of Rs.50,000/-, which was as hand loan to meet out the accused daughter's marriage. Hence, a complaint under Section 420 IPC was registered and investigated.

3. Before the trial Court, the prosecution has examined 9 witnesses and marked 7 Exhibits. The trial Court has held the accused/first respondent guilty of offence under Section 420 IPC and sentenced him to undergo imprisonment till raising of the

Court and to pay a fine of Rs.1000/-, in default to undergo one month Simple Imprisonment. The above said sentence is under challenge on the ground of inadequate sentence considering the proven guilt of the accused. Notice section records indicates that when the application to condone delay in filing the revision petition came up for hearing, the first respondent was served with notice. Thereafter, the Court notice sent to the first respondent after admitting the revision petition was not served.

4. However, in view of the Full Bench judgment rendered in Ganapathy Vs. N.Senthilvel reported in 2016 (4) CTC 114, the impugned order passed by the Chief Judicial Magistrate, Villupuram in C.C.No.4 of 2010 has to be challenged before the District and Sessions Court as per proviso to Section 372 Cr.P.C., r/w 374 Clause(3).

5. In the light of the above fact, the Registry is directed to forward the revision papers to the District Sessions Court, Villupuram. The District Sessions Court, Villupuram shall take up the matter and number it as appeal and disposed of the case on merits and in accordance with law, after causing notice to the parties concerned.

6. Accordingly, this Criminal Revision Case is disposed of.

Sd/-  
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Chief Judicial Magistrate, Villupuram.

2.The District Sessions Court, Villupuram.

3.The Inspector of Police,  
Economic Crime Wing, Villupuram.

4.The Public Prosecutor,  
High Court, Madras.

Cr1.R.C.No.847 of 2012

JP(CO)  
SSM(28/06/2019).