

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1493 of 2018

&

Crl.M.P.No.17427 of 2018

1.Jayaraj

2.Raja

... Petitioners/Appellants/
Accused 1 and 2

Vs.

The State of Tamilnadu rep. by the
Inspector of Police
Avinashi Police Station
(Crime No.804 of 2004)

.... Respondent/Respondent/
Complainant

Prayer: Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C., against the order of the learned 2nd Additional District and Sessions Judge, Tiruppur in C.A.No.65 of 2017 dated 06.08.2018 confirming the conviction and sentence passed by the learned Chief Judicial Magistrate, Tiruppur in S.C.No.132 of 2012 dated 29.06.2017.

For Petitioners : No Appearance

For Respondent : Mr.R.Surya Prakash

Govt. Advocate (Crl. Side)

O R D E R

This Criminal Revision Case has been filed by the petitioners under Section 397 r/w 401 Cr.P.C., against the order of the learned 2nd Additional District and Sessions Judge, Tiruppur in C.A.No.65 of 2017 dated 06.08.2018 confirming the conviction and sentence passed by the learned Chief Judicial Magistrate, Tiruppur in S.C.No.132 of 2012 dated 29.06.2017.

2.The respondent police registered a case against the revision petitioners for the offences punishable under Section 256, 259, 468, 489(C) in Crime No.804 of 2004. After receiving the complaint, a case was registered and the respondent police

filed a charge sheet before the Chief Judicial Magistrate, Tiruppur in S.C.No.132 of 2012 for the offences under Section 256, 259, 468, 489(C). In order to prove the case of the prosecution, as many as 6 witnesses were examined and Exhibits PW1 to PW10 were marked and 16 Material Objects were exhibited. After completing the prosecution evidence, the incriminating circumstances put before the accused. The accused denied the same as false. On the side of the defence no oral or documentary evidences were produced.

4.The learned Chief Judicial Magistrate after hearing the arguments and after perusing the records, acquitted the petitioner for the offence under Section 489(C) IPC on the ground that the prosecution has failed to prove the case beyond reasonable doubt for the offence under Section 489(C) IPC. However, both the accused were convicted for the offence under Section 256 IPC sentenced to undergo 2 years of Rigorous Imprisonment and to pay a fine of Rs.1,000/- each in default to undergo 3 months of Simple Imprisonment and for the offence under Section 259 IPC sentenced to undergo 2 years of Rigorous Imprisonment and to pay a fine of Rs.1,000/- each in default to undergo 3 months of Simple Imprisonment and for the offence under Section 468 IPC and sentenced to undergo 2 years of Rigorous Imprisonment and to pay a fine of Rs.1,000/- each in default to undergo 3 months of Simple Imprisonment and the imprisonment already undergone by the accused was ordered to be set off under Section 428 Cr.P.C. against the accused. Aggrieved by the said conviction order, the accused preferred an Appeal before the learned District and Sessions Judge, Tiruppur in C.A.No.65 of 2017.

5.The learned 2nd Additional District and Sessions Judge, Tiruppur after hearing the arguments and considered the facts, dismissed the appeal and confirmed the conviction and sentence passed by the learned Chief Judicial Magistrate, Tiruppur in S.C.No.132 of 2012. Hence, the revision petitioners are before this Court.

6.The case of the prosecution is that both the revision petitioners / accused were in possession of fake currency, fake stamp papers and fake stamps. After receiving the secret information, the respondent police went to the spot in Door No.5/242, Committiar Colony, Rajan Nagar, Kaikatti, Pudur, Avinashi and found the accused persons were in possession of fake currency, fake stamp papers and fake stamps and also fake Photostat copies of the stamps. Subsequently, they were arrested and a case was registered against the petitioner / accused and investigated the matter and filed a charge sheet for the offences under Section 256, 259, 468 and 489(C) IPC. The evidence of prosecution has clearly stated about the possession

of the material objects marked in this case and also recovered the same.

7.PW2 is the retired Village Administrative Officer who has deposed that he was present at the time of search at the residence of the accused and found the accused persons were in possession of the material objects and the respondent police recovered the same from the revision petitioners.

8.The Courts below have rightly appreciated the oral and documentary evidence produced by the prosecution and found the accused not guilty under Section 489(C) and however found the accused guilty for the offence punishable under Section 256, 259 and 468 IPC. Both the Courts below have appreciated the evidence and found the accused guilty, accordingly, sentence was imposed. The Revision Court cannot sit in the arm chair of the Appellate Court and re-appreciate the entire evidence. If there is perversity in appreciating the evidence while deciding the case it can interfere with the judgment of the courts below but not otherwise.

9.On reading of the entire materials and judgment passed by the Courts below, it is clear that the Courts below have rightly appreciated the evidence of prosecution and found that the prosecution has proved the case beyond reasonable doubt for the offence under Sections 256, 259 and 468 IPC.

10.Hence, this Court does not find any perversity in the appreciation of the evidence and there is no merit in this Revision. Therefore, no grounds to interfere with the judgment passed by the learned 2nd Additional District and Sessions Judge, Tiruppur in C.A.No.65 of 2017 dated 06.08.2018.

11.Accordingly, this Criminal Revision Case stands dismissed. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The 2nd Additional District
and Sessions Judge
Tiruppur

2.Do through The Principal District and Sessions Judge,
Tiruppur.

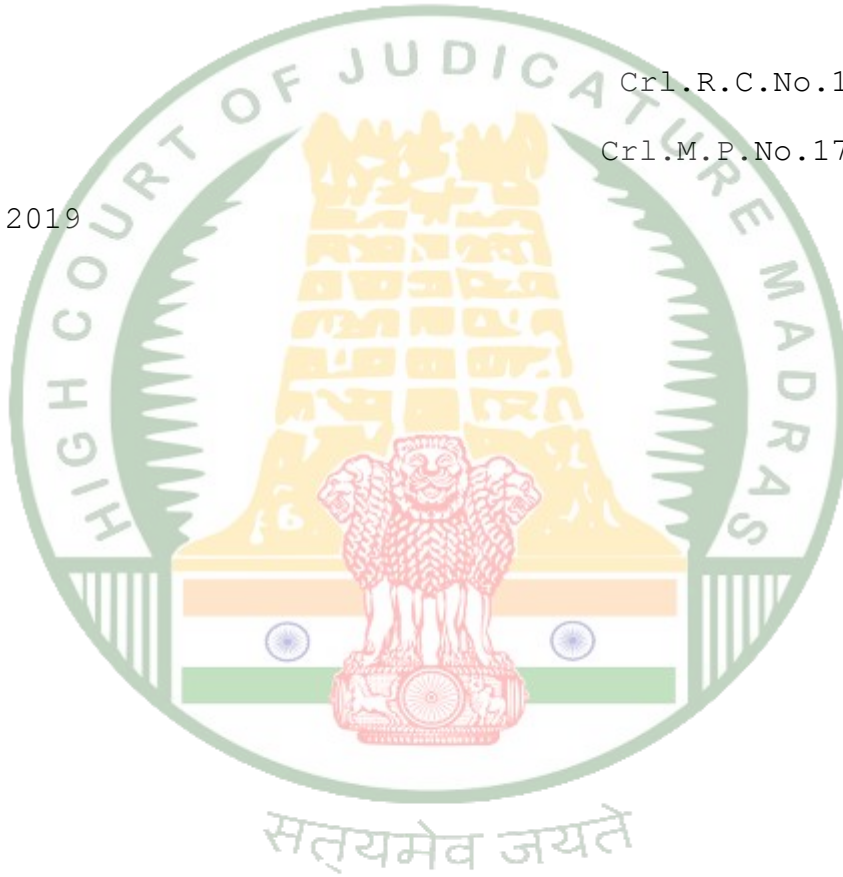
3.The Chief Judicial Magistrate
Tiruppur

4.The Inspector of Police
Avinashi Police Station, Avinashi.

5.The Public Prosecutor
High Court of Madras
Chennai 600 104

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GJ(CO)
CSL/05.04.2019



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