



Bail Slip

P.J.Saravanan, Male/aged 40 years, S/o.P.Jeganatha Raja, Petitioner /Appellant / Accused No.1 was released on bail by this Court order dated 08.03.2013 made in MP(MD)No.2 of 2013 in Crl.RC (MD)No.213 of 2013.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2019

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.R.C. (MD)No.213 of 2013

P.J.Saravanan

...Petitioner/Appellant/Accused No.1

Vs

State represented by
The Sub Inspector of Police,
District Crime Branch,
Virudhunagar District.
In Crime No.04/2007

...Respondent/Respondent/Complainant

PRAYER: Criminal Revision Petition filed under Section 397 and 401 of Cr.P.C, praying, to call for the records and to set aside the conviction and sentence imposed by the Additional District Court, Virudhunagar in C.A.No.03/2013, dated 01.03.2013 in confirming the conviction and sentence imposed by the Judicial Magistrate Court No.II, Virudhunagar in C.C.No.59 of 2008, dated 29.11.2012 and allow this criminal revision petition.

For Petitioner

: Mr.G.Marimuthu

For Respondent

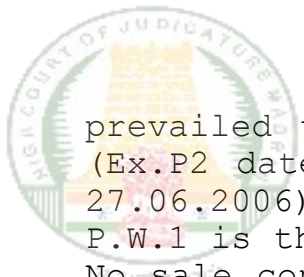
: Mrs.S.Bharathi

Government Advocate

O R D E R

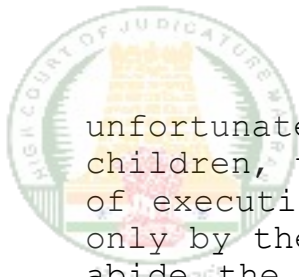
The revision petitioner was prosecuted for the offences under Sections 406 and 420 of IPC along with three others in C.C.No.59 of 2008 on the file of the Judicial Magistrate No.2, Virudhunagar, vide Judgment dated 29.11.2012. The learned trial Magistrate acquitted A2 to A4, but convicted the revision petitioner and sentenced him to two years rigorous imprisonment for each offence. Questioning the same, this revision petitioner filed Criminal Appeal No.3 of 2013 before the Additional District and Sessions Judge, Virudhunagar. The Appellate Court, by Judgment dated 01.03.2013, dismissed the appeal and confirmed the Judgment of the trial Court. Questioning the same, this revision petition came to be filed.

2.The case of the prosecution is that the revision petitioner's elder brother Thiru.Murugesan passed away in an accident on 17.07.2006. The said Murugesan was married to one Sudarshanam in the year 2002. Two male children were born namely, Vignesh and Sarguna. While so, on 27.07.2006, the revision petitioner



prevailed upon Sudarshanam to execute as many as three sale deeds (Ex.P2 dated 08.08.2006 and Ex.P3 dated 08.08.2006 and Ex.P4 dated 27.06.2006). The case of Sudarshanam who was examined as P.W.1 is that these documents were obtained by playing fraud on her. No sale consideration was paid to her. The defence of the revision petitioner Saravanan is that Murugesan was indebted to a number of persons and that it was he who settled those debts in time and that he had prevailed upon P.W.1-Sudarshanam to execute these three sale documents. The Courts below did not accept the aforesaid defence of the revision petitioner. The revision petitioner was concurrently found guilty. Even before me, the revision petitioner has not made out a case for dislodging the concurrent findings of the guilt arrived by the Courts below.

3. Therefore, having regard to the evidence on record, the revision petitioner does not question the finding of guilt. He only pleaded for setting aside the sentence of imprisonment imposed on him. The revision petitioner Saravanan is present in person before me. He submitted that through these three sale documents, Ex.P2 to Ex.P4, he got as many as five items of properties and that he had sold two items namely housing board residential property and a plot measuring 10 ½ cents. Except the housing board residential property and a plot of land, all the other items obtained by him from P.W.1-Sudharsanam are very much with him. He has also not created any encumbrance thereon. The original documents are very much with him. He is willing to settle these unsold items in favour of these two children of his brother namely Vignesh and one Sargunam. Since the revision petitioner is now ready to undo the wrong committed by him, I am of the view that the sentence of imprisonment imposed on him can be set aside. This Court called upon the Police to cause production of the father of Sudharsanam namely Balaramraja-P.W.2. P.W.2 appeared in person before me. He informed me that his daughter Sudarshanam had left along with her two children and he is not in touch with them for the last several years. In spite of the persuasion made by this Court, Thiru.Balaramaraja continued to maintain that he is not aware of her current whereabouts. Therefore, this Court directs the revision petitioner to settle the items conveyed to him by P.W.1_vide Ex.P2 to Ex.P4, except the sold items namely housing board property and a plot of measuring 10 ½ cents in favour of the children. Thiru.Balaramaraja shall be shown as guardian of the two children namely Vignesh and Sargunam. Thiru.Balaramaraja is directed by this Court to extend his co-operation in this regard. After the execution of the settlement deed, the original settlement deed as well as the parent document namely Ex.P2 to Ex.P4 shall be deposited by the revision petitioner in the Court custody. The learned Judicial Magistrate No.2, Virudhunagar, is directed to keep all the title documents in careful custody and ensure utmost safety. After the children namely Vignesh and Sargunam attain majority, it is open to them to move the Court and take back the documents. If



unfortunately any difference of opinion arises between the two children, the competent Civil Court will resolve the same. The cost of execution of the documents and the entire process will be borne only by the revision petitioner. The revision petitioner agrees to abide the direction now given by this Court. Since the revision petitioner has shown his bonafides, even though this Court sustains the conviction imposed on him by the Courts below, the sentence of imprisonment imposed by the Courts below is set aside. The revision petition is partly allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmi

To

1. THE SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
VIRUDHUNAGAR, VIRUDHUNAGAR DT. (CR.NO.04/2007)

2. THE ADDITIONAL DISTRICT COURT
VIRUDHUNAGAR

3. THE JUDICIAL MAGISTRATE NO.II
VIRUDHUNAGAR

4. THE SUPERINTENDENT
CENTRAL PRISON, MADURAI

5. THE SUPERINTENDENT OF POLICE
VIRUDHUNAGAR DIST

Copy to: 1. The Section Officer, (2 copies)
Criminal Section,
Madurai Bench of Madras High Court, Madurai
2. The Government Advocate (Crl.side)
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-80171[F] dated 07/08/2019

CRL.R.C. (MD)No.213 of 2013
06.08.2019

SMA/31/01/2020/3P/10C