

BAIL SLIP

Chitra, Female/aged 42 years/2013, W/O.Vikadakavi, appellant/Accused was released on bail of this Court order dated 29.11.2013 made in MP.4/2013 in CRL RC(MD) No.803/2013.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C.(MD)No.803 of 2013

Chitra

... Petitioner/Appellant/
Sole Accused

Vs.

State through,
The Inspector of Police,
Vandalur Police Station,
(Crime No.136 of 2006)

... Respondent/Respondent/
Complainant

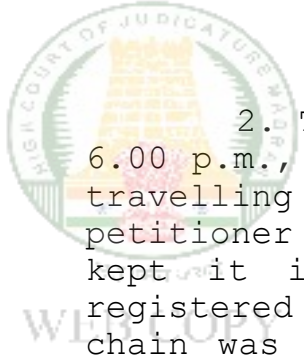
Prayer: Criminal Revision is filed under Section 397 and 401 of Cr.P.C, to allow the Revision petition and set aside the Judgment dated 16.03.2011 made in C.C.No.110 of 2006 on the file of the learned Judicial Magistrate No.2, Usilampatti and confirmed by the Judgment dated 22.06.2012 made in C.A.No.20 of 2011 on the file of the learned VI Additional Sessions Judge, Madurai.

For Petitioner : Mr.A.V.Arun

For Respondent : Mr.A.Robinson,
Government Advocate (Crl. Side).

JUDGMENT

The appellant was convicted for the offence under Section 379 of I.P.C. and sentenced to undergo one year Rigorous Imprisonment and to pay a fine of Rs.5,000/- vide Judgment dated 16.03.2011 in C.C.No.110 of 2006 on the file of the learned Judicial Magistrate No.2, Usilampatti. Aggrieved by the same, the accused filed C.A.No.20 of 2011 before the learned VI Additional Sessions Judge, Madurai. But the same was dismissed by Judgment dated 22.06.2012. Challenging the same, this Criminal Revision has been filed.



2. The case of the prosecution is that on 13.07.2006 at about 6.00 p.m., when P.W.1 Muthuraj and his daughter P.W.2 Bharathi were travelling in a Government Transport Corporation bus, the Revision petitioner committed the theft of 7 sovereigns of gold chain and kept it in a bag. In this regard, Crime No.136 of 2006 was registered on the file of the Valandur police station. The gold chain was recovered following the confession made by the Revision petitioner herein in some other case. That is why in view of the recovery of the stolen article following the confession made by the Revision petitioner, the learned trial Magistrate held that the prosecution has established its case beyond reasonable doubt against the petitioner herein.

3. I am of the view that no material has been placed before me to dislodge the concurrent findings of the Courts below. I see no ground to disturb the impugned conviction. However, taking note of the fact that more than 13 years have elapsed and that the petitioner is a woman and that she had already spent 45 days in prison, I am of the view that the sentence imposed on the petitioner can be modified and reduced to the period already undergone.

4. With this modification, the Criminal Revision stands partly allowed. No costs.

Sd/-

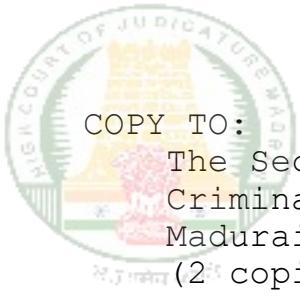
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To:

1. The VI Additional Sessions Judge,
Madurai.
2. The Judicial Magistrate No.2,
Usilampatti.
3. Do Through The Chief Judicial Magistrate,
Madurai.
4. The Inspector of Police,
Valandur Police Station.
5. The Officer incharge,
Central Prison for Women,
Trichy.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



COPY TO:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.
(2 copies)

+1 CC to M/s.A.V.ARUN, Advocate (SR-77107[F] dated 24/07/2019)

Cr1.R.C. (MD) No.803 of 2013
23.07.2019

pmu

JM/14.08.2019/3P-10C