

**Bail Slip**

The Petitioner/Accused Kamatchi, S/o.Subramanian, aged 52 years was directed to be released on Bail by order, dated 20/09/2011 made in MP(MD)No.1 of 2011 in CrI. RC(MD)No.789 of 2011.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 28.06.2019****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****CrI.R.C.(MD)No.789 of 2011**

Kamatchi

... Petitioner/Appellant/
Accused No.2

Vs.

The State rep. by
The Inspector of Police,
C.C.I.W., C.I.D.,
Maduari.
(Crime No.2 of 1994)

... Respondent/Respondent/
Complainant

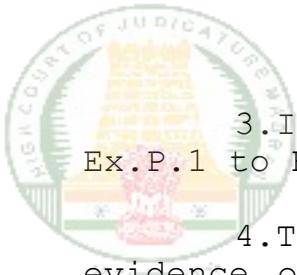
Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to set aside the judgment passed by the learned Additional Sessions Judge (Fast Track Court No.II), Madurai in C.A.No.61 of 2010, dated 21.06.2011, confirming the judgment dated 29.06.2010 made in C.C.No.40 of 1995 on the file of the learned Judicial Magistrate No.III, Maduari, convincing the petitioner under Section 408 & 477(A) of IPC and sentenced him to undergo 2 years simple imprisonment and directed the petitioner to pay an amount of Rs.5,000/- as fine in default of paying the fine to undergo 3 months simple imprisonment.

For Petitioner : Mr.N.Sathish Babu

For Respondent : Mr.A.Robinson
Government Advocate (CrI. Side)**O R D E R**

The petitioner herein is shown as A2 in C.C.No.40 of 1995, on the file of the learned Judicial Magistrate No.III, Maduari. He was prosecuted along with the first accused/Santhanam for the offence under Sections 120(B), 408, 499 and 477(A) of I.P.C.

2.The case of the prosecution is that the petitioner is the clerk of Alaway Industrial Weavers Co-operative Production and Sales Society, Moonandipatty. Santhanam/President of the said society misappropriated a sum of Rs.91,011/-. In this regard, Crime No.2 of 1994 was registered on the file of C.C.I.W., C.I.D., Maduari.



3. In support of the prosecution, 16 witnesses were examined. Ex.P.1 to Ex.P.87 were marked.

4. The learned Trial Magistrate after carefully pursuing the evidence on record came to the conclusion that the charges framed against the petitioner is proved beyond reasonable doubt. The petitioner was convicted for the offence under Sections 408 and 477 (A) of I.P.C. and sentenced to undergo two years simple imprisonment for each charge. Questioning the same, the petitioner filed C.A.No.61 of 2010 before the learned Additional Sessions Judge, Fast Track Court No.II, Madurai. The First Appellate Court by judgment dated 21.06.2011 confirmed the judgment of the Trial Magistrate. Challenging the same, this criminal revision case has been filed.

5. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that he would not challenge the conviction imposed on the petitioner. He would only pray for modification of the punishment. The petitioner's counsel pointed out that the petitioner was in prison for a period of 32 days. The petitioner is willing to deposit a sum of Rs.50,000/- to the credit of C.C.No.40 of 1995, on the file of the learned Judicial Magistrate No.III, Madurai, within a period of three months from the date of receipt of a copy of this order. The said amount on being deposited by the petitioner, can be withdrawn by the defacto complainant's Society or by its successor. In any event failing to do so, the petitioner will have to undergo the default imprisonment of three months. The substantive sentence of imprisonment imposed on the petitioner under Sections 408 and 477(A) of I.P.C. is reduced to the period already undergone by the petitioner. With this modification in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To:

1. The Additional Sessions Judge,
Fast Track Court No.II, Madurai.

2. The Judicial Magistrate No.III,
Madurai.



3.The Inspector of Police,
C.C.I.W., C.I.D.,
Madurai.

4.The Chief Judicial Magistrate,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.N.SATHISH BABU, Advocate SR-72361.

Cr1.R.C. (MD) No.789 of 2011
28.06.2019

CS/ /SAR/18.07.2019/ 3P/ 7C