

**Bail Slip**

The Appellant, Accused viz Merin Christoper S/o.F.Yesudhasan, was released on bail as per the order dated 27.09.2011 made in MP(MD) 1/2011 in Cr1.R.C(MD)816/2011(accused not in bail)

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.R.C. (MD)No.816 of 2011

Merin Christoper

... Petitioner/Appellant/Sole Accused

Vs.

The State rep. by,
The Inspector of Police,
Nazareth Police Station,
Tuticorin District.
(Crime No.175 of 2003)

... Respondent/Respondent/Complainant

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to call for the records relating to the judgment dated 30.08.2011, made in C.A.No.11 of 2011, on the file of the learned Additional Sessions Judge, (FTC No.II), Tuticorin, modifying the conviction and sentence made in C.C.No.210 of 2004, dated 31.01.2011 on the file of the learned Judicial Magistrate, Sathankulam and set aside the same and allow this revision case.

For Petitioner : Mr.Sulthan Basha
For Mr.M.Ajmal Khan

For Respondent : Mrs.S.Bharathi
Govt. Advocate (Cr1. Side)

O R D E R

The petitioner was found guilty of the offence under Section 420 of I.P.C. vide judgment dated 31.01.2011 in C.C.No.210 of 2004, on the file of the learned Judicial Magistrate, Sathankulam. Questioning the same, the petitioner filed C.A.No.11 of 2011 before the learned Additional Sessions Judge, Fast Track Court No.II, Tuticorin. The learned First Appellate Court partly allowed the appeal and while sustaining the conviction reduced the period of sentence to six



months rigorous imprisonment instead of three years rigorous imprisonment. Questioning the same, this criminal revision case has been filed.

2. Heard the learned counsel on either side.

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3. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that the petitioner had collected a sum of Rs.79,500/- from as many as 12 students for imparting them training as lab technician. In fact for running lab technician training course, the petitioner must have obtained permission and approval from the Medical Council of India. Before getting such approval, the petitioner had enrolled 12 students and collected a sum of Rs.79,500/-. When the students realized that the course run by the petitioner was not having proper approval, they lodged a complaint before Nazareth Police Station. Crime No.175 of 2003 was registered. After the investigation final report was filed before the learned Judicial Magistrate, Sathankulam. Cognizance was taken for the offence under Section 420 of I.P.C.

4. The prosecution had examined as many as 24 witnesses and marked Ex.P.1 to Ex.P.31. M.O.1 to M.O.4 were also marked. Court witnesses were also examined.

5. After a proper and detailed consideration of the entire available evidence on record, the learned Trial Magistrate found the petitioner's guilty of the offence under Section 420 of I.P.C. The First Appellate Court confirmed the conviction even though it reduced the sentenced.

6. I do not find any ground to interfere with the judgments of the Courts below. The conviction imposed on the petitioner is confirmed.

7. At this stage, the petitioner's counsel submitted that this Court may show leniency in the matter of sentence. He came forward to deposit a sum of Rs.79,500/- to the credit of C.C.No.210 of 2004, on the file of the learned Judicial Magistrate, Sathankulam, within a period of three months from the date of receipt of a copy of this order. Upon such deposit, the learned Trial Magistrate shall take steps to have the same refunded to the students concerned. The petitioner's counsel further claimed that the petitioner was in custody for about 19 days. Therefore the sentence of imprisonment imposed on the petitioner as modified by the First Appellate Court is further reduced to the period already undergone. This concession is given only taking note of the petitioner's undertaking to deposit a sum of Rs.79,500/-. If the petitioner fails to do so within the period of three months from the date of receipt of a copy of this order, the order passed by the learned First Appellate Court will stand automatically restored. The judgment passed by the leaned First Appellate Court is accordingly modified



and the 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, Tuticorin.

2.The Judicial Magistrate, Sathankulam.

3.The Inspector of Police,
Nazareth Police Station,
Tuticorin District.

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-72731[F] dated
02/07/2019)

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**Crl.R.C. (MD) No.816 of
2011
01.07.2019**

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