



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.421 of 2013

Surya @ Tamilvanan

... Petitioner

Vs

The State through the
Sub Inspector of Police,
Theni Police Station,
Theni,
(Cr.No.334/2000)

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records relating to the Judgment of the learned Judicial Magistrate, Theni in C.C.No.117 of 2006, dated 12.04.2012 and set aside the same by allowing the present criminal revision petition and acquit the petitioner/accused.

For Petitioner : Mr.R.Alagumani

For Respondent : Mr.A.Robinson
Government Advocate (Crl.side)**ORDER**

The petitioner was charged with the offence under Section 380 of IPC. He had stolen a two wheeler. The petitioner pleaded guilty when questioned on the charge. The learned trial Magistrate, vide Judgment dated 12.04.2012, sentenced the petitioner to undergo two years simple imprisonment. The petitioner is said to have spent about 345 days in jail. The same was directed to be adjusted. Challenging the sentence on the ground that it is excessive, this revision case has been filed.

2.It is true that even though a person pleads guilty to the charge, he cannot question the conviction. Still he can challenge the quantum of sentence. In this case, what was stolen is a two wheeler. The occurrence had taken place more than 12 years ago. The petitioner had spent sufficient time in prison.



3. Taking note of the fact that the petitioner had spent about 345 days in prison, the sentence imposed on him is reduced and modified to the period already undergone. The impugned Judgment is accordingly modified. This criminal revision case is allowed.

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Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Judicial Magistrate, Theni.

2. The Sub Inspector of Police,
Theni Police Station,
Theni.

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

+1 CC to M/s.R.ALAGUMANI, Advocate SR-73804.

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