IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2020

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN

Crl.R.C.No.1241 of 2019
and Crl.M.P.Nos.16630 and 16631 of 2019

V.Karthik @ Bung Karthi ... Petitioner

Vs.

State of Tamil Nadu
rep.by its Sub-Inspector of Police (Crime)
B-11, Saibaba Colony Police Station
Coimbatore City.
(Crime No.1214/2010). ... Respondent

Criminal Revision filed under Section 397 read with Section 401 Cr.P.C. seeking to set aside the judgment dated 18.07.2019 in Crl.A.No. 279 of 2017 on the file of the learned V Additional District and Sessions Judge, Coimbatore, confirming the judgment dated 22.08.2017 in C.C.No. 246 of 2011 on the file of the learned Judicial Magistrate No.7, Coimbatore.

For petitioner : Mr.D.Percivul Pericles

For respondent : Mr.K.Prabakar,
Additional Public Prosecutor

ORDER

By judgment dated 22.08.2017 in C.C.No.246 of 2011, the petitioner and one Manoj were convicted under Section 379 of IPC and sentenced to undergo three years simple imprisonment and to pay a fine of Rs.1,000/- each in default to undergo three months simple imprisonment. Challenging the same, they preferred an appeal in Crl.A.No.279 of 2017 before the V Additional District and Sessions Judge, Coimbatore, which also ended in dismissal on 18.07.2019. Aggrieved by the same, the petitioner herein / first accused, has come up with this Criminal Revision Case.

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2.The learned counsel for the petitioner has submitted that the impugned judgments are liable to be set aside for the simple reason that there is no corroboration of the evidence adduced by the witnesses and that the benefit of doubt is in favour of the petitioner. It is also submitted that no Test Identification Parade has been conducted as per law and the Courts below have not appreciated the evidence adduced by the witnesses in a proper perspective.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that the Trial Court has analysed the materials and evidence in a proper perspective and has correctly passed the judgment convicting and sentencing the petitioner / accused and the same has been correctly confirmed by the Lower Appellate Court and in view of the concurrent findings, this Court need not interfere with the same.

4.Heard the learned counsel on either side and perused the papers.

5.This is a theft case. P.W.1-Southamani is the victim. On 25.11.2010 at about 20.15 hours, when P.W.1 and one Sujatha were going for a walk on the Bharathi Park Cross Road, Coimbatore City, the petitioner/A1 snatched the gold chain of P.W.1, weighing 5 ½ sovereigns, worth Rs.30,000/- and they escaped in a motorcycle which was kept ready by the other accused. P.W.1 has identified the accused and deposed that the accused were the persons who committed chain snatching on the date of occurrence, ie. on 25.11.2010 at about 08.15 p.m., while she and her neighbour were walking on the Bharathi Park Cross Road. She has also described the age of the accused who snatched the chain in the complaint itself. The occurrence is corroborated by P.Ws.2 and 3 who have deposed that soon after the occurrence, P.W.1 came and informed about the occurrence and they took P.W.1 to lodge the complaint. The contention raised on the side of the accused regarding the identity of the chain, has been rejected by the Trial Court on the ground that M.O.1-Chain has been correctly identified by P.W.1 that it is the stolen gold chain and that she has also received the same under interim custody through Court on proper identification. The evidence of P.W.7-Investigating Officer regarding arrest and recovery is corroborated by the evidence of P.W.4-Ranganathan, the Mahazar witness. He has clearly narrated the place where the accused were found with the police and about the disclosure statement and recovery of M.O.1. The Trial Court, on a threadbare analysis of the materials and evidence adduced on record, passed the judgment dated 22.08.2017 and the same has been rightly confirmed by the Lower Appellate Court by judgment dated 18.07.2019. Hence, the conviction and sentence imposed on the

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petitioner by the Trial Court and confirmed by the Lower Appellate Court, need not be interfered with by this Court.

6.In the result, the Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

KM

To

1.The Sub-Inspector of Police (Crime)
B-11, Saibaba Colony Police Station
Coimbatore City.

2.The Additional District and Sessions Judge,
Coimbatore.

3.The Public Prosecutor,
Madras High Court.

Crl.R.C.No.1241 of 2019
and
Crl.M.P.Nos.16630 and
16631 of 2019

CSR: 16.03.2020

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