



BAIL SLIP

The Petitioner/Accused viz. Eswari, aged 42years W/O.Govindan, was released on bail vide order of this Court, dated 08.05.2019 in Crl.MP.6472/2019 in Crl.RC.417/2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.R.C.NO.417 OF 2019

Eswari

...Petitioner

Vs.

The State represented by
The Sub-Inspector of Police,
Railway Protection Force, Jolarpettai,
Vellore District.
(Crime No.7 of 2014)

...Respondent

The Criminal Revision filed under Section 397 read with 401 of Code of Criminal Procedure seeking to call for the records on the file of the learned III Additional Sessions Judge, Vellore @ Thiruppathur, Vellore District, in C.A.No.16 of 2016 dated 19.03.2019 confirming the judgment in C.C.No.118 of 2014 on the file of the learned Judicial Magistrate No.I, Thiruppathur, Vellore District, dated 29.09.2016, and set aside the same.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.S.Sugendran

Government Advocate (Crl.Side)

ORDER

This criminal revision is preferred seeking to set side the judgment of conviction and sentence passed by the learned III Additional Sessions Judge, Vellore @ Thiruppathur, Vellore District, in C.A.No.16 of 2016 dated 19.03.2019 confirming the judgment in C.C.No.118 of 2014 on the file of the learned Judicial Magistrate No.I, Thiruppathur, Vellore District, dated 29.09.2016.

2 The learned counsel appearing for the petitioner would submit that there is material contradictions in the evidence of



prosecution witnesses and there was nothing to show that the properties recovered belong to the Railways. Further, the learned counsel requests that either imprisonment or fine may be imposed.

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3 The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner has stolen the Railways properties and the learned Magistrate has rightly appreciated the evidence of prosecution witnesses and the lower appellate Court has also confirmed the conviction recorded by the trial Court, since the petitioner is a habitual offender, which does not call for any interference of this Court.

4 Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police and perused the materials available on record.

5 This Court, while exercising revisional jurisdiction, cannot exercise power of the Appellate Court and this Court, being a revisional Court, cannot sit in the arm chair of appellate Court and it has no power to re-assess the evidence and substitute its views on findings of fact.

6 A careful reading of the materials placed before this Court, it is seen that the petitioner has committed offence under Section 3(b) of the Railway Property (Unlawful Possession) Act, 1966. Prosecution has proved its case beyond all reasonable doubt and the petitioner has not done anything to disprove the same. The learned Magistrate has also appreciated the evidence of prosecution witnesses and since the petitioner is a habitual offender and convicted in other cases, came to the conclusion that the petitioner has committed offence and the lower appellate Court has also re-appreciated the entire evidence and confirmed the judgment of the trial Court. Further, the Magistrate has awarded only a minimum sentence of three months simple imprisonment and imposed fine of Rs.1000/-. This Court does not find any perversity in appreciating the evidence by both the Courts below and there is no merit in the revision.

7 Accordingly, this criminal revision shall stand dismissed. The trial Court is directed to secure the revision petitioner to undergo remaining period of imprisonment, if any.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar



To

1. The III Additional Sessions Judge, Vellore @ Thiruppathur,
Vellore District, .

2. The Judicial Magistrate No.I, Thiruppathur, Vellore
District.

3. The Sub-Inspector of Police, Railway Protection Force,
Jolarpettai,
Vellore District.

4. The Public Prosecutor, High Court, Madras.

+1cc to Mr.E.Kannadasan, Advocate, S.R.No.37820

Crl.R.C.No.417 of 2019

PCH (CO)
PM/16/09/2021