



BAIL SLIP

The Petitioner, namely Sundarrajan (Accused in CRL.A.No.49 of 2019 on the file of II Additional District and Sessions Judge, Chidambaram) was released on Bail vide Common Order of this Court, dated 20/12/2019 and made in CRL.M.P.No.15227, 15228, 15229, 15230, 15231 and 15232 of 2019 in CRL.R.C.No.1135, 1136 and 1137 of 2019.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.1137 OF 2019

Sundarrajan

... Petitioner/Accused

Versus

The State Rep. By
The Sub-Inspector of Police,
Chidambaram Town Police Station,
Chidambaram,
Cuddalore District.
(Crime No.181 of 2016)

... Respondent/Complainant

PRAYER:-

Criminal Revision Case filed under Section 397 read with 401 Criminal Procedure Code, to call for the records pertaining to the Judgement dated 14.08.2019, passed in C.A.No.49 of 2019, on the file of the II Additional District and Session Judge, Chidambaram, confirming the Judgement dated 18.02.2019 passed in C.C.No.52 of 2017 on the file of the Judicial Magistrate No.2, Chidambaram and set aside the same by allowing the above revision.

For Petitioner : Mr.G.S.Dhanalakshmi

For Respondent : Mr.S.Sugendran
Government Advocate
(Crl. Side)



O R D E R

This Criminal Revision Case has been filed, seeking a direction to set aside the order 14.08.2019, passed in C.A.No.49 of 2019, on the file of the II, Additional District and Session Judge, Chidambaram, confirming the Judgement dated 18.02.2019 passed in C.C.No.52 of 2017 on the file of the Judicial Magistrate No.2, Chidambaram.

2. The respondent/police registered a case against the petitioner and another accused/A2 for the offence under Section 379 of the Indian Penal Code (IPC.,) for the vehicle theft. After investigation, a charge sheet has been laid before the Judicial Magistrate No.II, Chidambaram and the same was taken on file in C.C.No.52 of 2017.

3. After completion of trial, the learned Judicial Magistrate No.II, Chidambaram, found the petitioner and another accused guilty of the offence under Section 379 of IPC., and convicted them and sentenced to undergo two years Rigorous Imprisonment each.

4. Challenging the conviction and sentence passed by the learned Judicial Magistrate No.II, Chidambaram, the petitioner/first accused in C.C.No.52 of 2017, has filed C.A.No.49 of 2019, before the learned II - Additional District and Session Judge, Chidambaram. After hearing arguments and considering the materials produced, the learned II-Additional District and Session Judge, Chidambaram, dismissed the appeal by confirming the Judgement of conviction and sentence dated 18.02.2019, made in C.C.No.52 of 2017, passed by the learned Judicial Magistrate No.II, Chidambaram. Challenging the said Judgment of dismissal of the appeal made by the learned II-Additional District and Session Judge, Chidambaram, the first accused/petitioner herein has filed the present revision case before this Court.

5. There is no representation on behalf of the petitioner. Heard the learned Government Advocate (crl.side) appearing for the respondent and perused the materials available on record.

6. The case of the prosecution is that on 02.05.2016 at about 10.00 a.m., one Padmaraj/victim locked and parked his two wheeler bearing Registration No. PY-01-4992, in front of "Hari Palaza Lodge" and went to worship the deity at Chidambaram



Temple. On returning from the Temple, he could not find his bike and it was found missing. Thereafter, he lodged a complaint before the respondent/police, based on his complaint, a case was registered. After registration of the case, the respondent/police conducted investigation, prepared rough sketch and observation mahazar. During the course of investigation, when a routine vehicle inspection was conducted at Kanchithotti, the petitioner/first accused was questioned about the vehicle driven by him. But, he answered inconsistently and it is not cogent and reliable. By suspecting foul play, the respondent/police enquired the first accused. During such interrogation, the first accused confessed that he had stolen the bike of the victim/Velmurugan. Based on his confession, the case was registered as against the second accused too. Thereafter, investigation conducted and charge sheet filed and the same had been taken on file in C.C.No.52 of 2017.

7. Before the learned Judicial Magistrate, in order to substantiate the case, totally eight witnesses were examined as PW.1 to PW.8 and twelve documents were marked as Ex.P1 to Ex.P12. The accused was examined as DW.1 and one document was marked as Ex.B1/confession statement of the second accused/A2. Besides, one material object was marked as MO.1/PY01AL4992, Honda Activa, named vehicle was recovered. Based on the oral and documentary evidence and material evidence, the Trial Court passed the order of conviction.

8. Both the Courts below have appreciated the entire material evidence and found that the prosecution has proved the case beyond all reasonable doubt. The Appellate Court is a fact finding Court and it re-appreciated the entire material evidence and materials and confirmed the conviction made by the learned Judicial Magistrate No.II, Chidambaram and rightly dismissed the appeal filed the first accused/petitioner herein.

9. On reading of entire materials, both the Courts below have rightly appreciated the evidence of the prosecution and gave a finding that the prosecution has proved the case as against the accused/petitioner herein and the other accused/A2. This Court as a Revisional Court cannot re-appreciate the entire materials and findings unless it shows that the evidence so appreciated is perverse. It is well settled preposition of law that the Trial Court and the Appellate Court are fact finding Court giving finding of facts which cannot be interfered with by the Revisional Court in the absence of any perversity in appreciation of evidence. This Court does not find any perversity on the findings of the Courts below, hence, there is



no merit in the revision case and the Criminal Revision Case is liable to be dismissed.

10. Accordingly, the Criminal Revision Case is dismissed, by confirming the Judgement dated 14.08.2019, passed in C.A.No.49 of 2019, on the file of the II, Additional District and Session Judge, Chidambaram, confirming the Judgement dated 18.02.2019 passed in C.C.No.52 of 2017 on the file of the Judicial Magistrate No.2, Chidambaram.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The II Additional District and Session Judge,
Chidambaram.
2. The Principal District and Sessions Court,
Cuddalore.
3. The Judicial Magistrate No.2,
Chidambaram.
4. The Chief Judicial Magistrate,
Cuddalore.
5. The Sub-Inspector of Police,
Chidambaram Town Police Station,
Chidambaram, Cuddalore District.
6. The Public Prosecutor,
High Court, Madras.
7. The Section Officer,
Criminal Section,
High Court, Madras.

CRL.R.C.NO.1137 OF 2019

GJ(CO)
PBS/10/12/2021