

Bail Slip

Duraisamy, S/o. Antonisamy, male, aged about 54 years/2017 (Revision Petitioner/Sole Accused) was released on bail vide court order dated 18.05.2017 in CRL MP(MD).4159 of 2017 in CRL RC(MD).406 of 2017.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2021

CORAM

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.R.C. (MD) No.406 of 2017

Duraisamy : Petitioner/Appellant/Sole Accused

Vs.

State represented by
The Sub Inspector of Police,
Budalur Police Station,
in Cr.No.6 of 2012
Thanjavur District.

: Respondent/Respondent/Respondent

PRAYER: Criminal Revision Petition filed under Section 397 Cr.P.C. r/w. Section 401 of Criminal Procedure Code, to call for the records from the lower Court and set aside the judgment of the Principal Sessions Court, Thanjavur in C.A.No.48 of 2013, dated 31.03.2016 by confirming the judgment in C.C.No.92 of 2012, dated 31.05.2013 passed by the learned Judicial Magistrate, Thiruvaiyaru. Thanjavur.

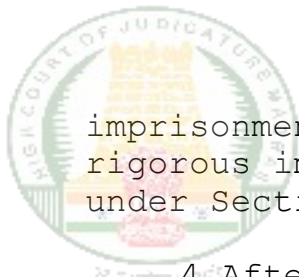
For Petitioner : No Appearance
For Respondent : Mr.A.P.G.Oham Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

This Revision Petition has been filed to set aside the judgment of the Principal Sessions Court, Thanjavur in C.A.No.48 of 2013, dated 31.03.2016, which confirmed the judgment in C.C.No.92 of 2012, dated 31.05.2013 passed by the learned Judicial Magistrate, Thiruvaiyaru. Thanjavur.

2.When the matter taken up for hearing today, there is no representation for the revision petitioner. On perusal of the records, it is found that even on 23.02.2021, 09.03.2021 and 01.04.2021, there was no representation for the revision petitioner.

3.The learned Government Advocate submitted that it is a case of conviction and the appellant was sentenced to pay a fine of Rs.500/- for the offence under Section 279 IPC in default simple



imprisonment of four weeks and sentenced to undergo two years simple rigorous imprisonment along with fine of Rs.5,000/- for the offence under Section 304(A) IPC in default six months simple imprisonment.

4. After the appeal was disposed of by the learned Principal Sessions Judge, Thanjavur, the revision case had been filed. The revision is of the year 2017. By now the revision case ought to have been disposed of. The Constitution of India guaranteed its citizens the right to speedy trial. Here, having suffered conviction, the accused is indulging in activities, which are against the principles of speedy trial. When the Constitution guaranteed speedy trial to its Citizens, this revision petitioner wants to protract the proceedings, which cannot be encouraged.

5. The revision petitioner, who is the accused before the learned Judicial Magistrate and had been convicted for the offence under Sections 279 and 306(A) IPC, had filed an appeal and the appeal was also dismissed and the judgment and sentence was confirmed. After filing of this revision, instead of cooperating with the Court, as per the guaranteed right under Constitution of India for speedy trial and the revision petitioner is an extension of the same, the accused, who had suffered conviction, is indulging in dilatory method and not cooperate with the Court, which cannot be entertained.

6. Therefore, this Revision Case is dismissed with the direction to the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur to execute the warrant of conviction and remand the accused/petitioner to undergo sentence as per the order in C.C.No.92 of 2012.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Principal Sessions Judge, Thanjavur.

2. The Judicial Magistrate, Thiruvaiyaru. Thanjavur District.

3. Do Thro The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.



4.The Sub Inspector of Police,
Budalur Police Station,
Thanjavur District.

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

6.The Record Keeper,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

Order made in
CRL.R.C. (MD) No.406 of 2017
26.04.2021

MJ(CO)
TR(18.06.2021) 3P 8C