



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :16.07.2021

CORAM

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.R.C.(MD).No.791 of 2017

Cr1.MP(MD).No.9507 of 2017

Iyyammal

W/o.Selvaraj

... Petitioner/Appellant/Accused
Vs.

The State Represented by
The Sub Inspector of Police,
DCB Police Station,
Tuticorin
Tuticorin District.
(Cr.No.182 of 2003)

... Respondent/Respondent/Complaint

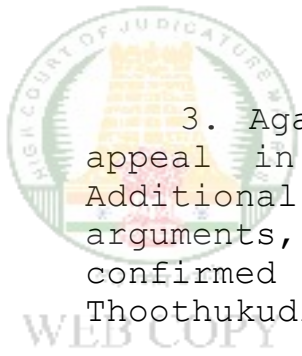
PRAYER: Criminal Revision Petition filed under Sections 397 r/w 401 of Cr.P.C, to call for records to the judgement dated 19.09.2017 in C.A.No.55 of 2016 passed by the learned Second Additional Sessions Court, Tuticorin, which confirmed the judgment of conviction and the sentence passed by the Judicial Magistrate Court No.1, Tuticorin in C.C.No.57 of 2004 dated 14.10.2016 and set aside the same.

For Petitioner	: Mr.B.Rajesh Saravanan
For Respondent	: Mr.T.Senthil Kumar
	Government Advocate (Cr1.Side)

ORDER

When the case came up for hearing on 28.06.2021, Mr.B.Rajesh Saravanan, the learned counsel for the petitioner made a submission that the petitioner namely Iyyammal had been convicted for the offence under Sections 468 and 471 of IPC for altering her +2 mark sheet conducted by the Tamil Nadu Higher Secondary Education, to obtain admission in college. While undergoing her degree, the same was found out by the College Authorities. Therefore, the case has been filed.

2. The case has been registered by the District Crime Branch, Thoothukudi and the investigation officer completed the investigation and filed a final report before the learned Judicial Magistrate No.I, Thoothukudi and the same was taken on file in C.C.No.57 of 2004. The learned Judicial Magistrate No.I, Thoothukudi by judgment dated 09.02.2004 convicted the accused to undergo 2 years of simple imprisonment with the fine of Rs.100/- for the offence under Section 468 of IPC and another one year simple imprisonment with a fine of Rs.100/- for the offence under Section 471 of IPC.



3. Against the order of conviction, the accused preferred an appeal in C.A.No.55 of 2016 on the file of the learned II Additional Sessions Court, Thoothukudi. After hearing the arguments, the learned II Additional Session Court Thoothukudi had confirmed the judgment of the learned Judicial Magistrate No.I, Thoothukudi and dismissed the appeal.

4. Against the dismissal of the C.A.No.55 of 2016 dated 19.09.2017, this Criminal Revision Petition has been filed.

5. When the Crl.R.C(MD).No.791 of 2017 was taken up for final disposal, the learned counsel for the revision petitioner sought indulgence of this Court that he does not want to persecute the revision. The learned counsel pleads for a specific request. He would submit that the accused had already undergone imprisonment prior to the conviction and the period of remand already undergone by the petitioner may be set-off.

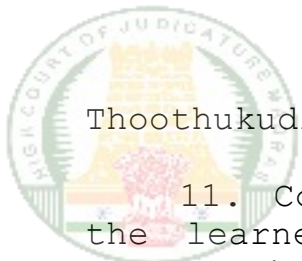
6. The learned Government Advocate (Crl.Side) objected the same and sought time to verify the antecedents of the revision petitioner, through the SHO concerned police Station. Hence, this case was adjourned to 16.07.2021.

7. In the mean while, the learned counsel for the revision petitioner was directed to produce the revision petitioner personally before the learned Registrar Judicial of this Court along with proof of identity and also an affidavit with regard to she has does not have any other case. The learned Government Advocate (Crl.Side) was directed to verify through the SHO of the police concerned regarding the antecedents of the petitioner herein. The learned Government Advocate(Crl.Side) was advised to direct the SHO of the Police concerned to appear before this Court along with relevant records of this case.

8. As per the direction of this Court, the revision petitioner had appeared along with proof of identity and affidavits and Mrs.T.Vanitha Rani, Inspector of Police, District Crime Branch, Thoothukudi had also appeared before this Court along with a report, wherein it is stated that she has enquired the petitioner and this accused does not have any bad antecedents.

9. The learned counsel for the revision petitioner had filed an affidavit of the petitioner that he shall not commit any offence in future and also submit that he committed such mistake at the age of 21 and now she had married and she is living with her two children. Therefore, he seeks indulgence of this Court to consider her case sympathetically.

10. The affidavit filed by the revision petitioner and the report of the Inspector of Police, District Crime Branch,



Thoothukudi shall form part of the record.

11. Considering the present circumstance and the request of the learned counsel for the revision petitioner and also the report filed by the Inspector of Police, District Crime Branch, Thoothukudi, this Court is inclined to consider this case sympathetically.

12. Accordingly, the judgment of conviction dated 19.09.2017 in C.A.No.55 of 2016 passed by the learned Second Additional Sessions Court, Tuticorin, confirming the judgment of conviction passed by the Judicial Magistrate Court No.1, Tuticorin in C.C.No.57 of 2004 dated 14.10.2016 is confirmed. The period of imprisonment already undergone by the revision petitioner/accused is set off.

13. In the result, the revision petition is partly allowed with the above modification. No Costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To,

1. The Sub Inspector of Police,
DCB Police Station,
Tuticorin, Tuticorin District.
2. The Second Additional Sessions Court, Tuticorin.
3. The Judicial Magistrate Court No.1, Tuticorin.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL.R.C. (MD) .No.791 of 2017

16.07.2021