



Bail Slip

The Petitioner/ Accused Viz., V.Gopinath, S/O Vadivel was directed to be released on bail vide order dated 28.05.2015 in CrI.M.P.No.1/2015 in CrI.R.C.No.403/2015 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CrI.R.C.No.403 of 2015

V.Gopinath

... Petitioner

Versus

State represented by its
Inspector of Police,
Guduvancheri Circle,
Guduvancheri.
(Cr.No.321 of 2009)

... Respondent

Prayer: Criminal Revision Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the judgment of the learned Principal District and Sessions Judge, Chengalpattu in C.A.No.3 of 2011, dated 09.09.2014 confirming the judgment in C.C.No.212 of 2009 on the file of the learned Judicial Magistrate No.II, Chengalpattu in and by its judgment, dated 13.12.2010 and acquit the petitioner herein.

For Petitioner : Mr.R.Karthikeyan

For Respondent : Mr.L.A.J.Selvam
Government Advocate
(Criminal Side)

ORDER

This Criminal Revision Case in CrI.R.C.No.403 of 2014 is filed by the petitioner/accused, aggrieved by the judgment of the learned Magistrate No.II, Chengalpattu, dated 13.12.2010 in C.C.No.212 of 2009, thereby, convicting the petitioner for an offence under Section 379 of Indian Penal Code and imposing a punishment of two years Rigorous Imprisonment and the judgment of the learned Principal Sessions Judge, Chengalpattu, dated 09.09.2014 in CrI.A.No.3 of 2011, thereby, dismissing the appeal



and confirming the conviction and sentence imposed by the Trial Court.

2. Today, when the matter came up for hearing, in view of the fact that it is recorded in the Trial Court judgment that the petitioner/accused was in prison between 25.05.2009 and 13.12.2010 and further, after disposal of the appeal, between 13.07.2015 to 16.07.2015, the petitioner was in prison, even though there is some doubt as to the exact number of days in which the petitioner was in prison, the learned Counsel for the petitioner submits that instead of considering the points on merits, this Court can consider the question of sentence to be reduced for the period already undergone taking into account the facts that the petitioner has no other antecedents, he is a B.E graduate, currently, he is working in a company known as Ubitech Tech India Private Limited in Hosur and he is married and leading a law abiding life and has got a son, who is studying first standard and considering all these facts, he would straightaway request this Court to consider reduction of sentence for the period already undergone.

3. I have heard the learned Government Advocate (Criminal Side) on behalf of the prosecution. The learned Government Advocate (Criminal Side) also confirmed the fact that the petitioner/accused does not have another antecedent except this case and the age and the other employment of the petitioner/accused.

4. In that view of the matter, considering the fact that there is no other antecedent for the petitioner and the offence was said to have been committed in the year 2009, the age of the accused, the fact that the accused is B.E graduate and is presently employed in M/s. Ubitech India Private Limited, Hosur and is having a tender son who is now studying first standard, I am inclined to modify the sentence imposed on the petitioner from the period of two years to that of the period already undergone.

5. The Criminal Revision is partly allowed accordingly.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

grs



To

1.The Principal District and Sessions Judge,
Chengalpattu.

2.The Judicial Magistrate No.II,
Chengalpattu.

3.Do Through The Chief Judicial Magistrate,
Chengalpattu (For Information)

4.The Inspector of Police,
Guduvancheri Circle,
Guduvancheri..

5.The Public Prosecutor,
High Court of Madras.

Cr1.R.C.No.403 of 2015

PMK(CO)
SB(24/02/2022)