



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.R.C. (MD)No.334 of 2022

Leo @ Reynold Rose Leo

... Petitioner

Vs

The Inspector of Police,
Woraiyur Police Station,
Trichy District,
Crime No.59/2014.

... Respondent

Prayer: This Criminal Revision Case filed under Section 397 r/w 401 Cr.P.C. to call for the records pertaining to the order passed in Cr.MP.No.1 of 2022 in CrI.A.No.6 of 2022 on the file of the Learned III Additional District and Sessions Judge, Trichy dated 13.10.2021 and set aside the same as illegal by allowing the Revision.

For Petitioner : Mr.K.Sivabalan

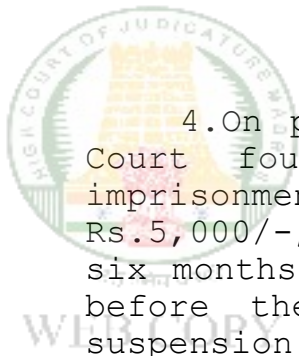
For Respondent : Mr.M.Aasha
Government Advocate (Criminal Side)

O R D E R

This Criminal Revision Case has been filed challenging the order passed in Cr.MP.No.1 of 2022 in CrI.A.No.6 of 2022, on the file of the Learned III Additional District and Sessions Judge, Trichy, dated 13.10.2021, thereby, dismissing the petition filed by the petitioner for suspension of sentence.

2.The petitioner is the sole accused in Crime No.57 of 2014, registered for the offence under Sections 392 r/w 397 IPC, on the allegation that on 25.07.2014, the accused at knife point had snatched the jewels from the defacto complainant, when she was in the Teacher Training Institute at Uraiyur, Nachiyar. After completion of investigation, the same has been taken cognizance in S.C.No.236 of 2019.

3.On the side of prosecution, PW1 to PW6 witnesses were examined and Ex.P.1 to Ex.P.7 were marked. The petitioner did not examine any witness and did not mark any documents. The prosecution has produced Ex.M.O.1 and Ex.M.O.2.



4. On perusal of both oral and documentary evidence, the trial Court found guilty and sentenced the petitioner to undergo imprisonment, for a period of five years and imposed a fine of Rs.5,000/-, in default, undergo imprisonment for further period of six months. Aggrieved by the same, the petitioner filed an appeal before the first Appellate Court and also filed petition for suspension of sentence. The first appellate Court dismissed the same, on the ground that the petitioner had committed a very serious offence and it would affect the ordinary public, if the petitioner's sentence is suspended.

5. The learned counsel appearing for the petitioner submitted that the material objects which were recovered from one Abdul Rahim, was not shown either as a witness or as an accused. Further, no weapon was recovered, as well as produced before the trial Court by the prosecution. No Test Identification Parade was conducted by the respondent. Therefore, there are grounds to succeed in the appeal. Therefore, the first appellate Court ought to have suspend the sentence.

6. Perusal of records reveals that the prosecution has examined PW1 to PW6 and they have categorically proved the case of the prosecution. Though, the prosecution did not conduct any Identification Parade, PW1 and PW2 are the eye-witnesses to the occurrence and they have identified the petitioner, as an accused. Therefore, the non-conduction of the identification parade is not fatal to the case of prosecution. The Court below, has rightly dismissed the suspension of sentence and bail petition. This Court finds no infirmity or illegality in the order passed by the Court below.

7. Accordingly, this petition stands dismissed. However, the petitioner is at liberty to approach the first appellate Court, once again for suspension of sentence, if so advised.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

Note: 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 III Additional District and Sessions Judge,
Trichy.

2. The Inspector of Police,
Woraiyur Police Station,
Trichy District,

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-16456[F] dated 04/04/2022)

ORDER IN

CrI.R.C. (MD) No.334 of 2022

04.04.2022

SG (CO)

TR(20.04.2022) 3P 5C