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Crl.R.C.(MD)No.142 of 2014



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 07.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.(MD)Nos.24 and 42 of 2017

Karuppasamy ... Petitioner in Crl.R.C(MD) No.24 of 2016

S.Parameswari ... Petitioner in Crl.R.C(MD) No.42 of 2016

Vs.

The State represented by
The Inspector of Police,
“Q” Branch CID Police Station,
Madurai City, Madurai District.
(Crime No.1 of 2007)

... Respondent
in both cases

COMMON PRAYER : These Criminal Revision Cases are filed under Section 397 r/w 401 of Cr.P.C., to call for the records of the judgment dated 22.10.2016 passed in C.A.No.9 of 2015, dated 22.10.2016 on the file of the VI Additional District and Sessions Court, Madurai, modifying the judgment dated 12.01.2015 passed in C.C.No.232 of 2008 on the file of the Judicial Magistrate Court No.II, Madurai and set aside the same.

For Petitioners : Mr.S.G.C.Rishwanth

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor
(in both cases)



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COMMON ORDER

These Criminal Revision Cases are filed to set aside the judgment dated 22.10.2016 passed in C.A.No.9 of 2015, dated 22.10.2016 on the file of the VI Additional District and Sessions Court, Madurai, modifying the judgment dated 12.01.2015 passed in C.C.No.232 of 2008 on the file of the Judicial Magistrate Court No.II, Madurai.

2.The respondent registered the FIR in Crime No.1 of 2007 as against the petitioners and others for the offences under Sections 463, 471, 473 and 420 of IPC and after completing the investigation, filed the final report. The petitioner in Crl.R.C(MD)No.24 of 2017 is arrayed as Accused No.2 and the petitioner in Crl.R.C(MD) No.42 of 2017 is arrayed as Accused No.1.

3.The respondent police filed a case in C.C.No.232 of 2008 as against the accused on the file of the learned Judicial Magistrate No.II, Madurai. The gist of the charge was that the first accused/Parameshwari and her Son Balamurugan travelled from Srilanka and stayed at Tamil Nadu as refugee. The third accused/Balamurugan involved in a case of smuggling materials for L.T.T.E. He was arrested and lodged in



Special Camp at Chengalpatu. In order to release of his son from the camp, the first accused along with the second accused, who is none other than the son in law, with common intention, prepared the Birth certificate, Driving License, School Certificate, by forging signatures of other person and claimed that his son is an Indian citizen.

4. After trial, the Trial Court convicted the accused 1 to 3 and acquitted the fourth accused. Aggrieved by the same, the accused 1 to 3 preferred an appeal in Crl.A.No.9 of 2015 on the file of the Additional Sessions Judge, Madurai. The Appellate Court acquitted the third accused from all the charges and confirmed the conviction as against A1 for the offence under Sections 466 and 471 of IPC and A2 for the offence under Sections 466, 471 and 473 of IP. Aggrieved by the same, the revision case is filed.

5. The learned Additional Public Prosecutor submitted that the petitioners already undergone incarceration for a period of 5 months and 71 days. Though this Court finds no infirmity or illegality in the order passed by Courts below, this Court is inclined to reduce the sentence alone. Accordingly, the conviction passed by the Courts below as against the petitioners are confirmed and insofar as the sentence imposed



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as against the petitioners by the Courts below is concerned, the sentence is reduced to the period which was already undergone by them.

Accordingly, these Criminal Revision Cases are partly allowed.

07.03.2023

NCC : Yes/No
Internet: Yes/No
Index : Yes/No
cp

To

- 1.The VI Additional District and Sessions Court,
Madurai.
- 2.The Judicial Magistrate Court No.II,
Madurai.
- 3.The Inspector of Police,
“Q” Branch CID Police Station,
Madurai City, Madurai District.
- 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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