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CrI.R.C.No.1358 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.R.C.No.1358 of 2024

and

CrI.M.P.No.11581 of 2024

Naveen @ Anthony Johnson

... Petitioner

Vs.

The Inspector of Police,
Velipalaiyam Police Station,
Nagapattinam District,
(Crime No.39 / 2024)

... Respondent

PRAYER: Criminal Revision Case has been filed under Sections 397 (1) & 402 of Cr.PC, 1973, praying to call for the records and to set aside the order of conviction in C.A.No.13 of 2024 dated 26.06.2024 passed by the learned District and Session Judge, Nagapattinam in conforming the judgment in C.C.No.32 of 2024 dated 18.03.2024 passed by the learned Judicial Magistrate Court No.II, Nagapattinam.

For Petitioner	: Mr.P.Muthamizhselvakumar
For Respondent	: Mr.A.Damodaran, Additional Public Prosecutor



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ORDER

The petitioner /accused in C.C. No. 32 of 2024 was convicted by the learned Judicial Magistrate Court No - II, Nagapattinam by judgment dated 18.03.2024, for the offence under Section 379 of IPC and sentenced him to undergo one year simple imprisonment and to pay a fine of Rs.2,000/- in default to undergo further one month simple imprisonment, against which the petitioner preferred an appeal in Crl.A.No.13 of 2024 and the same was dismissed by judgment dated 26.06.2024. Challenging the same the present revision is filed.

2. The case of the prosecution is that on 10.02.2024 at about 9.00am the defacto complainant had parked her Honda Deo motor cycle bearing registration number TN 51 AD 6475 at the entrance of Kalangarai IAS and Neet Exam Academy, Kadambadi and gone to attend the class. Thereafter, when she came back from the class, she noticed that her vehicle



was missing and hence, she lodged a complaint. The respondent / PW5 received the complaint and registered the FIR for the offence of under Section 379 of IPC. The PW6 / Investigating officer visited the scene of occurrence and took up the investigation and prepared rough sketch. During the routine check the petitioner was found driving the vehicle. When the vehicle was stopped he has given contradictory statement, unable to produce any documents to show that vehicle belongs to him or he has taken the vehicle from the authorised person. Thereafter, in the presence of PW3 and PW4, the petitioner was arrested and taken along with motor vehicle / MO1. On conclusion of investigation the charge sheet was filed.

3. During Trial, PW1 to PW16 were examined and Exhibits Ex.P1 to Ex.P12 were marked and P.M.O.1 was exhibited. On behalf of the defence, there was no witness examined or exhibit marked.



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4. The contention of the petitioner is that he was falsely implicated in this case. PW3 and PW4 clearly states that PW7 was conducting vehicle check in Sellur ECR Road and at that time they enquired the person who was aged about 65 years and another person aged about 35 years and hence, it is a false case projected by the prosecution.

5. The learned Additional Public Prosecutor appearing for the respondent strongly opposed the petition. It is stated that the petitioner is a habitual offender and he involved himself in four cases in crime Nos. 619/2023, 118/2023, 78/2023 and 496/2022. Apart from those cases, on 10.02.2024, when the defacto complainant parked her Honda Deo motor cycle bearing registration number TN 51 AD 6475 at the coaching centre the petitioner had stolen it. Thereafter, the complaint was lodged and PW5 /investigating officer had taken up investigation and recovered it from the petitioner. The two wheeler was projected as MO1 and rough sketch was



also prepared at the spot. PW3 and PW4 are witnesses at the time of arrest of the petitioner and recovery of the vehicle at about 7.30 pm. The petitioner was riding the vehicle and when he was stopped he was unable to give any proper reason for riding the vehicle of PW1. Thereafter, he admitted his guilt and was arrested. The confession statement of the petitioner was also recorded and he confessed to have stolen the vehicle of the defacto complainant. The recovery of the vehicle was also made and projected as MO1 before the trial court. Taking note of the above, the trial court rightly convicted the petitioner.

6. Considering the facts and circumstance that the Trial Court convicted the petitioner and sentenced him to undergo simple Imprisonment for a period of one year which was confirmed by the judgement passed by the first appellate Court, I do not find any reason to interfere with the judgement passed by the courts below.



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7. In view of the same, this Criminal Revision Case is dismissed.

It is reported that the petitioner is out on bail and he is also absconding. The respondent police is therefore directed to secure the accused and to produce him before the court below to undergo the remaining period of sentence.

Consequently, connected miscellaneous petition is closed.

20.08.2024

Index : Yes/No

Speaking order / Non-speaking order

Neutral citation : Yes/No

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To

1. The learned District and Session Judge,
Nagapattinam.
2. The learned Judicial Magistrate Court No.II,
Nagapattinam.
3. The Inspector of Police,
Velipalaiyam Police Station,
Nagapattinam District,
(Crime No.39 / 2024)
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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