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Crl.R.C. No.1541 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2024

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THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.R.C. No.1541 of 2024

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Crl.M.P. No. 12855 of 2024

Velumani

..Petitioner

Vs.

State by : Inspector of Police,
CBCID-II, Chennai.
(Crime No. 1/2009)

..Respondent

Prayer: Criminal revision under Section 397 r/w 401 Cr.P.C. to call for the records in Crl.A. No. 105 of 2020 on the file of XX Additional City Civil Court, Chennai and set aside the judgment dated 02.04.2024 passed therein confirming the judgment dated 28.09.2020 passed by the XI Metropolitan Magistrate, Saidapet, Chennai in C.C. No. 10716 of 2010.

For Petitioner :: Mr.B. Mohan

For Respondent :: Mr.V.J. Priyadarsana
Govt. Advocate (Crl.Side)



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ORDER

This criminal revision is filed challenging the judgment dated 02.04.2024 passed in Criminal Appeal No. 105 of 2020 by the XX Additional City Civil Court, Chennai confirming the judgment of conviction and sentence dated 28.09.2020 passed in C.C. No. 10716 of 2010 by the XI Metropolitan Magistrate, Saidapet, Chennai.

2. The case of the prosecution is that the petitioner, deceiving witnesses P.W.s 6 and 8 that he would secure them a job abroad, had collected Rs.57,000/- from P.W.6 and Rs.60,000/- from P.W.8 and failed to do the same. Therefore, a complaint came to be registered at the instance of P.W.1, who was a common victim. The respondent Police, on investigation, filed the final report in C.C. No. 10716 of 2010 against the petitioner for the offence under Section 420 IPC (2 counts).

3. Before the Trial Court, the prosecution had examined P.W.s 1 to 18 and marked Exs.P1 to P25. The Trial Court, after taking into consideration the oral and documentary evidence, held that the petitioner had committed the offence of cheating, convicted the petitioner and



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sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs.100/- on each count. On appeal, the learned Sessions Judge confirmed the conviction and sentence imposed by the Trial Court. Hence, the revision.

4. Learned counsel for the petitioner would submit that it is not a case of false promise; that the petitioner had genuinely made attempts to obtain job; since, he failed, he had settled several other complainants and all those cases were closed pursuant to the compromise entered into between the victims and the petitioner and that the petitioner was convicted in this case alone since both P.W.s 6 and 8 were not willing for compounding the offence.

5. Learned Government Advocate (Crl.Side) on instructions would submit that several complaints were received against the petitioner and all the cases were closed pursuant to the compromise entered into between the petitioner and the victims and the said fact was recorded by the Trial Court in its judgment.

6. Learned counsel for the petitioner would submit that in view of the evidence adduced by the respondent and the subsequent conduct of the



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petitioner, the sentence imposed on the petitioner may be reduced.

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7. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

8. This Court finds that on the evidence adduced before the Trial Court and the judgments of the Courts below, the finding of guilt cannot be set aside as it is based on evidence. Therefore, the finding is not perverse so as to warrant interference of this Court in the revision. However, considering the fact that the petitioner has settled the claims of all other victims, this Court is of the view that the sentence imposed on the petitioner may be reduced to the period undergone. As per the judgment of the Trial Court, the petitioner was in custody from 19.11.2009 to 23.12.2009. The said period can be treated as period of imprisonment. 9.

However, since the victims P.W.s 6 and 8 have not been settled, this court is of the view that the fine amount imposed on the petitioner can be enhanced out of which compensation can be paid to the victims. According to the prosecution, the total amount involved is Rs.1,17,000/- which is payable to P.W.s 6 and 8. Hence, this Court is inclined to impose fine of Rs.2 lakhs on the petitioner out of which Rs.1,90,000/- shall be paid as



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compensation to P.W.s 6 and 8 equally. The petitioner shall pay the aforesaid fine within a period of four weeks from the date of receipt of a copy of this order.

SUNDER MOHAN,J.

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10. With the above direction, the criminal revision is partly allowed. Connected miscellaneous petition is closed.

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15.11.2024

To

1. XX Additional City Civil Court,
Chennai.
2. XI Metropolitan Magistrate,
Saidapet, Chennai.
3. The Inspector of Police,
CBCID II, Chennai.
4. The Public Prosecutor,
High Court, Madras.

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