



Crl.R.C.No.926 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.926 of 2023

Mohandas

..... Petitioner

Vs

State by Inspector of Police,
CBCID, Salem,
Salem District
(crime No.709 of 1997)

..... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 & 401 of Cr.P.C., praying to call for the records and set aside the judgment of the appellate court Judgment made in CA.No.63 of 2015 on the file of the learned II Additional Sessions Judge, Salem dated 11.11.2022 confirming the conviction and sentence passed by the trial court in CC.No.79 of 2015 on the file of the learned Chief Judicial Magistrate, Salem by judgment dated 19.03.2015.

For Petitioner : Mr.S.Indrajith

For Respondent : Mr.A.Gopinath,
Government Advocate(crl.side)

ORDER

This criminal revision case has been preferred against the judgment



Crl.R.C.No.926 of 2023

passed in CA.No.63 of 2015 on the file of the learned II Additional Sessions Judge, Salem dated 11.11.2022 thereby confirming the order of conviction and sentence imposed by the trial court in CC.No.79 of 2015 on the file of the learned Chief Judicial Magistrate, Salem dated 19.03.2015 for the offences punishable under Sections 120(b) r/w 408, 468, 471, 477A of IPC.

2. The case of the prosecution is that PW1 was entrusted with the work of purchasing coffee seeds on behalf of a company named Taurus Trading Company. The first accused was entrusted with the work of purchased coffee seeds during the period between April 1995 to July 1997 and he was paid Rs.5,69,89,000/- through 322 vouchers. However, the first accused failed to supply coffee seeds for certain amount of money and he supplied only for the value of Rs.4,44,97,426/- and the remaining amount of Rs.94,09,623.50/- was misappropriated by him. The second accused was the field supervisor and he was in charge of the coffee seeds godown. As such, he was entrusted with a work of purchase of coffee seeds, for which he was paid a sum of Rs.3,14,37,000/- through 78 vouchers. Even then, he had supplied coffee seeds only to the value of Rs.2,75,06,379/- and misappropriated money to the tune of Rs.39,30,621/-. According to the defacto complainant, the first accused colluded with the other two accused persons and created false purchase statement and



Crl.R.C.No.926 of 2023

despatch statements. They also manipulated accounts and stock statements.

During the years from 1994 to 1997, they made false entries in the stock register and manipulated the records. On a complaint, the respondent registered FIR in crime No.709 of 1997. After completion of investigation, they filed final report and the same was taken cognizance by the trial court.

3. Before the trial court, the prosecution had examined PW1 to PW16 and marked Ex.P1 to Ex.P93. On the side of the accused, no one was examined, However, Ex.D1 to Ex.D4 were marked. Further, the court marked Ex.X1. On perusal of the oral and documentary evidences, the trial court convicted and sentenced the petitioner for the offences punishable under Sections 120(b) r/w 408, 468, 471 & 477A of IPC. Aggrieved by the same, the petitioner preferred appeal and the same was dismissed confirming the order of conviction and sentence imposed by the trial court. Hence, the present revision case has been filed.

4. The learned counsel for the petitioner would submit that the petitioner is now aged about 73 years and he has already undergone imprisonment for more than two months. Therefore, the period of imprisonment already undergone by the petitioner may be taken as the sentence. He further



Crl.R.C.No.926 of 2023

submitted that even during the investigation, the property of the petitioner available at that time, was seized from the petitioner and the same was realized as a part of the petitioner's misappropriation of money. The learned Additional Public Prosecutor appearing for the respondent confirmed the aforesaid realization.

5. Heard, the learned counsel appearing on either side and perused, all the materials placed before this Court.

6. On perusal of records, it is revealed that the prosecution categorically proved all the charges against the petitioner and as such, the trial court rightly convicted the petitioner and the said conviction has been confirmed by the appellate court. However, considering the submissions of the learned counsel for the petitioner, this Court is inclined to modify only the sentences of imprisonment imposed on the petitioner.

7. Accordingly, the conviction imposed on the petitioner for the aforementioned offences by the judgment passed in CC.No.79 of 2015 on the file of the learned Chief Judicial Magistrate, Salem dated 19.03.2015, which was confirmed by the appellate court in CA.No.63 of 2015 on the file of the



Crl.R.C.No.926 of 2023

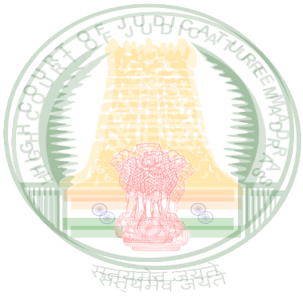
learned II Additional Sessions Judge, Salem dated 11.11.2022 is hereby confirmed. However, the sentences of imprisonment alone are reduced to the period of imprisonment already undergone by the petitioner. The petitioner is directed to be set at liberty forthwith unless his custody is otherwise required in connection with any other case.

8. With the above modification of sentences imposed on the petitioner, this criminal revision case stands partly allowed.

16.07.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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G.K.ILANTHIRAIYAN, J.



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Crl.R.C.No.926 of 2023

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To

- 1.The learned II Additional Sessions Judge, Salem
- 2.The learned Chief Judicial Magistrate, Salem
- 3.Inspector of Police,
CBCID, Salem,
Salem District
- 4.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.926 of 2023

16.07.2025