



Crl.R.C.No.987 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM:

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

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Manikandan

... Petitioner

Vs

The State rep by
The Sub Inspector of Police,
Ooty B1 Town Central P.S,
Nilgiris District,
In Crime No.259/2021

... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 read with 401 of the Code of Criminal Procedure, to set aside the order dated 31.03.2023 in CA.No.51 of 2022 on the file of Sessions Division of the Nilgiris District at Udhagamandalam, u/s.380 Indian Penal Code confirming the Judgment dated 11.10.2022 in CC.No.43 of 2021 on the file of Judicial Magistrate, Udhagamandalam and to allow the above Criminal Revision.

For Petitioner : Mr.M.Loganathan

For Respondent : Mr.A.Gopinath

Government Advocate (Crl.side)

ORDER

This Criminal Revision has been filed as against the Judgment passed in C.A.No.51 of 2022 dated 31.03.2023 on the file of Sessions Division of the Nilgiris District at Udhagamandalam, thereby confirming the conviction and



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sentence imposed in CC.No.43 of 2021 dated 11.10.2022, on the file of Judicial Magistrate, Udhagamandalam.

2. The case of the prosecution is that on 16.07.2021, when the defacto complainant was working at the Nilgiris District Police Canteen, Udhagamandalam, the petitioner came to the canteen and enquired with the staff about the Induction Stove. Thereafter, the complainant found that the induction stove was missing from the police canteen. All other display racks, where the items were kept, were found to be locked. However, the place where the induction stove had been kept was found to be unlocked. Hence, the complaint.

3. On the said complaint, the respondent registered FIR in Crime No.259 of 2021 for the offence punishable under Section 380 of IPC as against the petitioner.

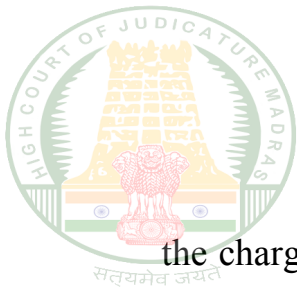
4. On the side of the prosecution, they had examined PWs.1 to 10 and marked Exs.P1 to 12. On the side of the accused, no one was examined and no document was marked. On perusal of oral and documentary evidence, the petitioner was found guilty for the offence under Section 380 of IPC and sentenced him to undergo simple imprisonment for a period of three years and



also imposed fine of a sum of Rs.1000/-, in default to undergo simple imprisonment for a period of two weeks. Aggrieved by the same, the petitioner preferred an appeal and the same was dismissed, confirming the conviction and sentence imposed by the Trial Court. Hence, this revision.

5. The learned counsel for the petitioner would submit that except for the confession statement of the petitioner, no other evidence supports the case of the prosecution in order to convict the petitioner for the offence under Section 380 of IPC. The entire conviction was imposed on the petitioner only based on circumstantial evidence. Further, the Trial Court found the petitioner guilty on the basis of CCTV footage and recovery. Though PWs.3 and 4 were present and working at the time of occurrence, they did not lodge any complaint. PW.2 came to know about the missing of induction stove from the police canteen, only on 16.07.2021 and the complaint was lodged only on 17.07.2021. Therefore, the prosecution had miserably failed to prove the charges beyond any reasonable doubt and as such, the conviction and sentence imposed on the petitioner are not sustainable in law.

6. Per contra, the learned Government Advocate (Crl.side) appearing for the respondent Police submitted that both the Courts have concurrently held



the charge under Section 380 of IPC was proved against the petitioner. On the basis of the confession statement of the petitioner, there was recovery. The witness to the confession statement was examined as PW.6. He categorically deposed about the confession and also recovery of stolen goods. The defacto complainant was examined as PW.1 and he had categorically narrated the incident and the crime committed by the petitioner. Therefore, the conviction and sentence imposed on the petitioner do not warrant any interference by this Court.

7. Heard the learned counsel appearing on either side and perused the materials placed on record.

8. A perusal of records revealed that when PW.1 was working at the Nilgiris District Police Canteen, Udthagamandalam, the petitioner came to the canteen and enquired about the induction stove. Thereafter, he left the premises. However, on verification, it was found that the induction stove was missing. PW.1 also enquired about the induction stove with other employees. However, they found that it was stolen and as such, a complaint was lodged on 17.07.2021. There was a delay of one day in lodging the complaint and the prosecution had failed to explain the delay of one day with possible



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explanations. That apart, according to the case of the prosecution, the petitioner voluntarily confessed that he had stolen the induction stove. The confession statement was recorded in the presence of PW.6 and on the strength of the confession statement, there was recovery of induction stove. Except the evidence of PW.6, there is no other material evidence connecting the petitioner with the commission of the theft.

9. A perusal of the complaint also revealed that PW.1 did not even mention the exact time or circumstances under which the induction stove was stolen. According to her, the induction stove was placed on display in the canteen. On 16.07.2021, when PW.1 was verifying the induction stove, it was found missing. Immediately, it was informed to other employees. However, only on the next day, the complaint was lodged and the same has been registered in Crime No.259 of 2021. Therefore, PW.1 was unaware of the exact time when the induction stove went missing. It is a further case of the prosecution that a person had visited the police canteen and only thereafter the induction stove was found missing. The prosecution has not stated when exactly the said person visited the canteen and made the enquiry. Therefore, the prosecution had miserably failed to prove the charge for the offence under Section 380 of IPC.



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10. In view of the above, the Judgment passed by the appellate Court, thereby confirming the order passed by the Trial Court cannot be sustained and is liable to be set aside. Accordingly, the Judgment passed in C.A.No.51 of 2022 dated 31.03.2023 on the file of Sessions Division of the Nilgiris District at Udhagamandalam, thereby confirming the conviction and sentence imposed in CC.No.43 of 2021 dated 11.10.2022, on the file of Judicial Magistrate, Udhagamandalam, is hereby set aside. The fine amount, if any, paid by the petitioner shall be refunded to him. The bail bond, if any, executed by the petitioner shall stand cancelled.



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11. Accordingly, the Criminal Revision Case stands allowed.

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Internet: Yes
Index: Yes/No
Speaking/Non speaking order
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G.K.ILANTHIRAIYAN. J.

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To

1. The Sessions Division of the Nilgiris District
at Udhagamandalam.
2. The Judicial Magistrate, Udhagamandalam.
3. The Sub Inspector of Police,
Ooty B1 Town Central P.S,
Nilgiris District.
4. The Public Prosecutor,
High Court, Madras.

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