



Crl.RC.No.880 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.RC.No.880 of 2024

Ajithkumar

...Petitioner

Vs.

State Rep. By Inspector of Police,
Tiruppur South Police Station,
Tiruppur.
(Crime No.400 of 2023)

...Respondent

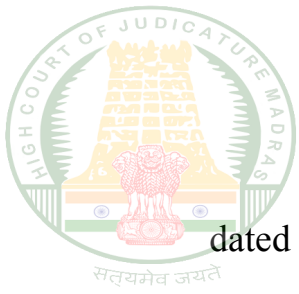
This Criminal Revision is filed under Section 397 r/w 401 of Code of Criminal Procedure, 1973 to set aside the judgment of the Principal Sessions Judge, Tiruppur in C.A.No.184 of 2023 dated 11.03.2024 modifying the conviction and sentence passed by the learned Judicial Magistrate No.II, Tiruppur in C.C.No.371 of 2023 dated 03.07.2023 and allow this Criminal Revision case.

For Petitioner : M/s.J.Franklin

For Respondent : Mr.J.Subbiah, GA (Crl. Side)

ORDER

This Revision is filed challenging the judgement of the Principal Sessions Judge, Tiruppur made in C.A.No.184 of 2023 dated 11.03.2024 whereby, the conviction of offender for an offence under Section 379 of Indian Penal Code was confirmed and the punishment was modified to undergo six months rigorous imprisonment. Originally by a judgment



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dated 03.07.2023 the learned Judicial Magistrate No.II,Tiruppur in C.C.No.371 of 2023 found the petitioner guilty of the offence under section 379 of Indian Penal Code and sentenced to undergo rigorous imprisonment for a period of three years.

2. The case of the prosecution is that P.W.1, Sakthi Vadivel had gone to the Tiruppur old bus stand for picking up a parcel by his two wheeler Hero Honda Passion Plus bearing Registration No.TN 39 AP 7345. After parking the vehicle, he went inside and while coming out with the parcel, he saw that his vehicle was stolen and at about a distance, the petitioner accused was dragging the said vehicle. Immediately, he raised an alarm and the people nearby caught hold of the accused. Accordingly, a case was registered in Crime No.400 of 2023. P.W.5 took up the case for investigation and laid a final report. It was taken on file as CC.No.371 of 2023.

3. Upon issuing summons and furnishing of copies, the accused was questioned and he denied the allegations and stood trial. In order to bring home the charges, the prosecution examined P.W.1 to P.W.5 and Exhibits P.1 to P.6 were also marked. The two wheeler which was stolen



was also produced as M.O.1. The trial Court considered the case of the prosecution and that of the accused and found that the prosecution had proved the offence beyond reasonable doubt and found the accused guilty and sentenced him as above. Aggrieved thereby, the petitioner filed C.A.No.184 of 2023 and the Appellate Court after re- appreciation of evidence confirmed the conviction, but however modified the sentence into a period of six months. Aggrieved thereby, the present Revision is filed.

4. After starting to argue on merits, the learned counsel would straight away argue on the question of sentence. He would submit that the petitioner was aged 25 years as on the date of offence and is now aged 27 years. There is no other previous case for the petitioner, even subsequently, when the petitioner is facing the case for the past two years, there is no other case against him. The petitioner has served incarceration for a period of 67 days. He has shown remorse in his behaviour and right now, he is working as daily wage labourer and eking out his livelihood.



5. Per Contra the learned Government Advocate (Crl.Side) would

submit that the prosecution has proved the offence beyond any reasonable doubt and the Appellate Court has also imposed only a linear sentence, considering the fact that the petitioner is a first offender.

6. I have considered the rival submissions on either side and perused the material records of the case.

7. In the teeth of the evidence of P.W.1, coupled with the fact that the vehicle was produced as M.O.1 and the recovery mahazar etc., are all duly marked, I am of the view that the trial Court as well as the lower Appellate Court has rightly found the petitioner guilty of the offence under section 379 of Indian Penal Code as he has already completed the act of the theft and was going away with the vehicle. As far as the question of sentence is concerned, the age of the accused is taken into account. The fact that he was the first offender and did not involve in any other offence subsequently is also taken into account. He has undergone incarceration for period of 67 days so as to make him understand the seriousness of his crime and its impact on the victim is also taken into account. In the overall circumstances of the case that the period of 67



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days would be proportionate to the felon committed. In view thereof, I am of the view that, the period of imprisonment alone can be modified as one as period already undergone. In view of thereof, this Criminal Revision is partly allowed on the following terms.

(i) The conviction of the petitioner for the offence under Section 379 of Indian Penal Code by the trial Court vide judgment dated 03.07.2023 in C.C.No.371 of 2023 and the Appellate Court vide judgment dated 11.03.2024 in C.A.No.184 of 2023 shall stand confirmed. The sentence of imprisonment alone stands modified to the period already undergone.

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NCC : Yes / No

To

1. The Principal Sessions Judge, Tiruppur
2. The Judicial Magistrate No.II, Tiruppur
3. The Inspector of Police,
Tiruppur South Police Station,
Tiruppur.
4. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY.J.,



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