



Crl.RC.No.895 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.895 of 2024

Sudhakar

...Petitioner

Vs.

State Represented by:

The Inspector of Police,
C-5, Vengal Police Station,
Tiruvallur.

Cr.No.357 of 2022

...Respondent

This Criminal Revision is filed under Section 397 r/w 401 of Code of Criminal Procedure, 1973 against the judgment dated 29.04.2024 made in Crl.Appeal No.171 of 2023 on the file of the I Additional District Judge, Tiruvallur, confirming the judgment dated 30.06.2023 made in C.C.No.614 of 2022, on the file of the Judicial Magistrate No.1, Tiruvallur.

For Petitioner : M/s.S.Senthilvel

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

ORDER

This Criminal Revision is filed challenging the judgement of the First Additional District Judge, Tiruvallur dated 29.04.2024 made in Criminal Appeal No.171 of 2023, thereby, confirming the conviction of the petitioner of an offence under Section 379 of Indian Penal Code and

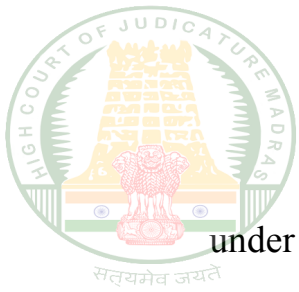


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the punishment imposed by the trial Court as three months rigorous imprisonment and a fine of Rs.500/-.By the judgement dated 30.06.2023, the trial Court – the learned Judicial Magistrate No.I Tiruvallur had by judgment in CC.No.614 of 2022 found the petitioner guilty for an offence under Section 379 of Indian Penal Code and imposed three months rigorous imprisonment and a fine of Rs.500/-.

2. The case of the prosecution is that on 11.10.2022 at about 12.30 p.m near the tank bund of Vaniyanchathiram Village within the limits of the Vengal Police Station, PW.1 Subramani was rearing goats belonging to him and the petitioner accused committed theft of one of the goats. Immediately, the accused had taken away the goat and when he was loading in his vehicle, he was caught red handed and was handed over to the police station. On the strength of the said complaint, the case in Crime No.357 of 2022 was registered. P.W.8, Rajendran took up the investigation and filed a final report proposing the accused guilty of an offence. The case was taken on file and summons was issued to the accused. Upon appearance and questioning, the accused denied the charge and stood trial. On behalf the prosecution, PW.1 to P.W.8 were examined. Exhibits P.1 to P.12 were marked. Upon being questioned



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under Section 313 of the Code Criminal Procedure, the accused denied about the material evidence on record.

3. Thereafter, no evidence was let in on behalf of the defence. The trial Court considered the submissions made on both sides and held that the prosecution proved the offence beyond any doubt and sentenced the accused as above. The Appellate Court upon re-appreciation of evidence confirmed the conviction and sentence imposed by the trial Court. Aggrieved by which, the present revision petition is filed.

4. Considering the nature of the case, the learned counsel for the petitioner would straight away argue on the question of sentence. The accused is said to have been in custody for a total period of 25 days pending investigation and thereafter pending filing of the revision. As a matter of fact, these are the cases in which the proactive approach should have been taken even by the learned counsel appearing on behalf of the accused and also by the prosecution and all concerned to see to that these kind of cases are closed and removed from the Criminal Justice system at the earliest.



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(i) The conviction of the petitioner by judgement of the trial Court dated 30.06.2023 in C.C.No.614 of 2022 and the Appellate Court dated 29.04.2024 in C.A.No.171 of 2023 for the offence under Section 379 of Indian Penal Code stands confirmed. However, the sentence of imprisonment alone is modified as one already undergone. It is reported that the fine amount is already paid.

13.08.2025

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NCC : Yes / No



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To
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1. The Additional District Judge, Tiruvallur
2. The Judicial Magistrate No.1, Tiruvallur
3. The Inspector of Police,
C-5, Vengal Police Station,
Tiruvallur.
4. The Public Prosecutor,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY.J.,

RAP

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