



Crl.R.C.No.1758 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 23.07.2025

Coram:

THE HONOURABLE Mr.JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C.No.1758 of 2023

1. A.Dharmalingam
2. R.Chandrasekaran

...Petitioners

Vs.

The State rep. by
The Inspector of Police,
CCIW - CID, Salem

...Respondent

Prayer:

Criminal Revision filed under Section 397 r/w Section 401 of Criminal Procedure Code to set aside the Judgment of conviction passed in Crl.A.No.116 of 2017 dated 11.01.2023 on the file of the learned II Additional District Judge and Sessions Judge, Salem in confirming the order of conviction passed by the learned Judicial Magistrate No.5, Salem in C.C.No.363 of 2006 dated 28.09.2017 by allowing the present Criminal Revision.

For Petitioners

: Mr.L.Pachaiyappan for
M/s Law Vision

For Respondent

: Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

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This Criminal Revision has been filed as against the Judgment passed in Crl.A.No.116 of 2017 dated 11.01.2023 by the learned II Additional District Judge and Sessions Judge, Salem, thereby confirming the order of conviction imposed in C.C.No.363 of 2006 dated 28.09.2017 by the learned Judicial Magistrate No.5, Salem for the offence punishable under Sections 408, 467, 471, 477A r/w 120(b) of IPC.

2. Since the 2nd petitioner died, this petition is dismissed as abated in respect of the 2nd petitioner and the present petition is confined only with respect of the 1st petitioner alone.

3. Heard the learned counsel on either side and perused the documents placed on record.

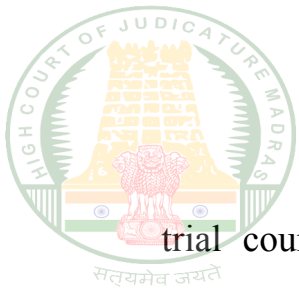
4. The case of the prosecution is that the petitioner/A.1, who was President at Ponnammampet Cotton and Silk Handloom Weavers Co-operative Production and Sales Society Ltd., Ponnammampet, along with the 2nd petitioner and Rajaram/A.2 and A.3/Secretary and head clerk in the said society committed misappropriation to the tune of Rs.88,450/- by fabricating the document, as if they spent the said sum



for construction of overhead tank and paid to job workers for polishing the silk sarees, but the job workers were not paid any money, hence the complaint.

5. On receipt of the said complaint, the respondent registered FIR in Crime No.4 of 2004 and after completion of investigation filed final report and the same has been taken cognizance by the trial court in C.C.No.363 of 2006. In order to prove the charges, on the side of prosecution, P.W.1 to P.W.9 were examined and exhibits Ex.P.1 to Ex.P.61 were marked and on the side of the petitioner, no one was examined and no documents were marked. On perusal of the oral and documentary evidence, the trial court found the accused guilty for offences under Sections 408, 467, 471 and 477A r/w 120B IPC and sentenced them to undergo one year simple imprisonment for each offence and imposed fine of Rs.500/- for each offence and as against each accused. Aggrieved by the same, the petitioner preferred appeal and the same was also dismissed by confirming the order of conviction and sentence imposed by the trial court. Hence the present revision.

6. It is pertinent to point out that according to the case of prosecution, the petitioner failed to pay the job workers, who had constructed the overhead tank and who had polished the silk sarees. Further, while the matter is pending before the



trial court, all the employees were paid the amount, further, at the time of suspending their sentences, this Court, specifically directed the petitioner to pay the amount, which was allegedly misappropriated by them. Accordingly, they had deposited in the name of society.

7. In view of the above, 1st petitioner is convicted for the offence under Sections 408, 467, 471, 477A r/w 120(b) of IPC and the sentence imposed on the 1st petitioner is modified to the period of incarceration which was already undergone by the him, on condition that the petitioner shall pay a further compensation of Rs.25,000/- [Rupees Twenty Five thousand only] to the credit of Ponnammampet Cotton and Silk Handloom Weavers Co-operative Production and Sales Society Ltd., Ponnammampet within a period of four weeks from today, failing with the conviction and sentence imposed by the trial court and confirmed by the appellate court shall stand automatically restored and the respondent is directed to secure the petitioner in order to undergo the remaining period of sentence.

8. Accordingly, the present Appeal is partly allowed.



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Index : Yes / No ; Internet : Yes / No
Speaking Order / Non Speaking Order
ssd

To

1. The II Additional District Judge and Sessions Judge,
Salem
2. The Judicial Magistrate No.5,
Salem
3. The State rep. by
The Inspector of Police,
CCIW - CID, Salem
4. The Public Prosecutor,
High court, Madras

G.K.ILANTHIRAIYAN, J.



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