



Crl.R.C.No.1544 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2025

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.1544 of 2025

Mr.Raja @ Rajan Manikandan

...Petitioner

-Vs-

The State Rep. By
The Inspector of Police,
Rasipuram Police Station,
Namakkal.
Crime No.1644 of 2020

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 438(1) and 442 of BNSS Act, 2023, to call for the entire records in connection with the judgment passed in C.A.No.40 of 2023 on the file of the learned I Additional District Sessions Judge, Namakkal, dated 05.10.2023 and set aside the conviction and sentence imposed by the learned I Additional District Sessions Judge, Namakkal, in C.A.No.40 of 2023 dated 05.10.2023 confirming the conviction passed by the learned Judicial Magistrate, Rasipuram, by judgment dated 31.05.2022 in C.C.No.26 of 2021 and pass such further orders.

For Petitioner : Mr.M.Mohammed Saifulla

For Respondent : Dr.C.E.Pratap,
Government Advocate (Crl.Side)



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ORDER

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The revision challenges the judgment of conviction and sentence imposed on the petitioner for the offences under Sections 457 and 380 of the IPC.

2. The petitioner/accused was convicted by the Trial Court for the offences under Sections 457 and 380 of the IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.1,000/- for each offence, in default, to undergo simple imprisonment for three months.

3. Challenging the above conviction and sentence, the petitioner/accused preferred Crl.A.No.40 of 2023. The Appellate Court, vide judgment dated 05.10.2023, confirmed the judgment of conviction and sentence passed by the Trial Court.

4. Aggrieved by the same, the petitioner/accused has preferred this Criminal Revision Case.

5. The case of the prosecution is that on 24.10.2020 at about 12.00 a.m., the petitioner and two others had opened the house of the de-facto



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complainant and committed theft of gold jewels totalling 4 sovereigns and thus, committed the aforesaid offences.

6. (a) The learned counsel for the petitioner/accused, would submit that the Trial Court and the Appellate Court, while imposing sentence on the petitioner, had not specifically stated whether the sentence imposed for the offences under Sections 457 and 380 of the IPC would run consecutively or concurrently, and considering the nature of the offences, this Court may direct the sentences, to run concurrently.

(b) He would further fairly submit that the petitioner is not challenging the finding of guilt and the sentence imposed by the Courts below; and that the petitioner has one previous case which is similar in nature.

7. Heard Dr.C.E.Pratap, learned Government Advocate (Crl.Side), who confirms that there is one more case pending against the petitioner.

8. The learned I Additional District Sessions Judge, Namakkal, and the learned Judicial Magistrate, Rasipuram, have not specifically stated that the sentences should run concurrently. Hence, the jail authorities have rightly construed that the sentences should run consecutively.



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SUNDER MOHAN, J.

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9. Considering the nature of the allegations and the facts and circumstances of the case, this Court is inclined to modify the sentence imposed on the petitioner to the extent of directing that the sentence imposed on the petitioner for the offences under Sections 380 and 457 of the IPC shall run concurrently.

10. With the above observation, this Criminal Revision Case is disposed of.

18.12.2025

cda

To

- 1.The I Additional District Sessions Judge,
Namakkal.
- 2.The Judicial Magistrate, Rasipuram.
- 3.The Inspector of Police,
Rasipuram Police Station,
Namakkal.
- 4.The Central Prison,
Coimbatore.
- 5.The Public Prosecutor,
High Court, Madras.

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