



Crl.R.C.1605 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM:

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

Crl.R.C.No.1605 of 2024

A.Sulaiman

... Petitioner

Vs.

The State Rep by
The Inspector of Police,
Kannankurichi Police Station,
Salem City.
(Crime No.1103 of 2023)

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Code of Criminal Procedure (Section 438 r/w 442 BNSS) to call for records pertaining to the judgment dated 29.04.2024 made in C.A.No.10 of 2024 passed by the learned Principal Sessions Judge, Salem for convicting the petitioner by confirming the judgment dated 01.12.2023 made in C.C.No.1099 of 2023 on the file of the learned Judicial Magistrate No.IV, Salem and set aside the same.

For Petitioner : Mr.L.Ramanathan

For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)



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ORDER

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This Criminal Revision Case has been preferred against the judgment passed in C.A.No.10 of 2024 dated 29.04.2024 on the file of the learned Principal Sessions Judge, Salem, thereby, confirming the order of conviction and sentence imposed by the learned Judicial Magistrate No.IV, Salem, in C.C.No.1099 of 2023 on 01.12.2023 for the offence punishable under Section 379 of IPC.

2. The case of the prosecution is that the petitioner had stolen a red colour Rock Rider gear cycle belonging to the de facto complainant. Pursuant to the complaint given by the de facto complainant on 12.08.2023, the respondent Police registered a First Information Report in Crime No.1103 of 2023 for the offence punishable under Section 379 of IPC. After completing the investigation, the respondent filed the final report and the same was taken cognizance by the trial court in C.C.No.1099 of 2023.

3. On the side of the prosecution, PW1 to PW4 were examined and Exhibits Ex.P1 to Ex.P9 were marked. The prosecution also produced a material object C.P.No.309/2023. On the side of the defence,

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no one was examined and no documents were marked. On perusal of the oral and documentary evidence, the trial court found the petitioner guilty for the offence under Section 379 of IPC and sentenced him to undergo rigorous imprisonment for two years. Aggrieved by the same, the petitioner preferred an appeal, which was also dismissed, thereby confirming the conviction and sentence imposed by the trial Court. Against the same, the present criminal revision has been filed.

4. The learned counsel appearing for the petitioner submitted that the prosecution miserably failed to prove the charge against the petitioner. He further submitted that except the confession statement of the petitioner, there are no other evidence to corroborate the confession statement of the petitioner to convict him. Based on the confession statement and recovery alone, both the Courts below convicted the petitioner. He also submitted that PW3 is none other than the stock witness of the prosecution had prepared seizure mahazar in order to foist the present case against the petitioner and both the trial Court and the Appellate Court failed to consider the same and convicted the petitioner for the offence under Section 379 IPC.



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6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the material placed before this Court.

7. A perusal of records shows that the petitioner had been convicted in about five cases, all of which are similar in nature. The petitioner had stolen five cycles from different places, all of which fall within the jurisdiction of the respondent. Initially, the petitioner was arrested pursuant to the registration of the first FIR on 26.06.2023, when



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he was trying to sell the bicycles that were stolen by him. Subsequently, the petitioner was released on bail on 20.07.2023. Thereafter, when he was attempting to sell three more cycles on 13.08.2023, he was once again arrested and remanded to judicial custody. After completing the investigation, the respondent filed the final report. The complainant was examined as PW1, while other police officials were examined as PW2 and PW4. The seizure witness was examined as PW3. Based on the confession statement recorded from the petitioner, recovery was made. As such, the prosecution categorically proved the charge against the petitioner under Section 379 of IPC. Hence, the trial Court and the appellate Court rightly convicted the petitioner for the offence under Section 379 IPC.

8. Considering the nature of the offence committed by the petitioner, this Court is not inclined to interfere with the conviction ordered by the trial Court and appellate Court. However, this Court is inclined to modify the sentence imposed on the petitioner alone. Therefore, while confirming the conviction imposed as against the petitioner for the offence under Section 379 of IPC, the sentence imposed on him in C.C.No.1099 of 2023 dated 01.12.2023 on the file of the



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Judicial Magistrate Court No.IV, Salem, alone is reduced to the period of one year.

9. Accordingly, the Criminal Revision Case stands partly allowed.

The trial Court shall secure the petitioner/accused and remand him in prison to undergo the remaining period of sentence, if any.

01.07.2025

ham

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The Principal Sessions Judge, Salem.
2. The Judicial Magistrate No.IV, Salem.
3. The Inspector of Police,
Kannankurichi Police Station,
Salem City.
4. The Public Prosecutor,
High Court of Madras.



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G.K.ILANTHIRAIYAN, J.

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