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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2025

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**THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI**

Crl.R.C.No.1673 of 2025

S. Janaardhan

... Petitioner

Vs.

The State rep by  
The Sub -Inspector of Police,  
J-6, Thiruvanmiyur Police Station,  
Thiruvanmiyur, Chennai  
( Crime No.47/2022)

... Respondent

**PRAYER :** This petition is filed under Section 438 r/w 442 of BNSS Act to call for the records in Crl.A.No.496 of 2023 dated 25.07.2025 on the file of learned III Additional Sessions Court, Chennai against the sentence imposed in C.C.No.692 of 2023 on the file of the learned XVIII Metropolitan Magistrate, Saidapet and set aside the Judgment and sentence imposed in C.C.No.692 of 2023 dated 04.08.2023 which was confirmed by the learned III Additional Session Court, Chennai in Crl.A.No.496 of 2023 dated 25.07.2025.

For Petitioner : Mr.R. Vivekananthan

For Respondent : Dr.C.E.Pratap,  
Government Advocate

### **ORDER**

This Criminal Revision Case is filed to call for the records in Crl.A.No.496 of 2023 dated 25.07.2025 on the file of learned III Additional Sessions Court,



Chennai against the sentence imposed in C.C.No.692 of 2023 on the file of the learned XVIII Metropolitan Magistrate, Saidapet and set aside the Judgment and sentence imposed in C.C.No.692 of 2023 dated 04.08.2023 which was confirmed by the learned III Additional Session Court, Chennai in CrI.A.No.496 of 2023 dated 25.07.2025.

2.The case of the prosecution is that on 27.01.2022 at about 9:30 p.m P.W1 had parked his auto bearing No.TN 07 9382 outside his house and on the next day at about 5:30 a.m i.e 28.01.2022, when he came out from his house, his auto was found missing. Hence, on 28.01.2022 a complaint was lodged by him and a case in Crime No.57 of 2022 on 02.02.2022 by the respondent for the offence under Section 379 of IPC. It is further alleged that pursuant to the registration of FIR, the respondent had visited the scene of occurrence and prepared rough sketch and observation mahazaar. It is further alleged that thereafter during the investigation i.e on 03.02.2022 A-1 and A-2 were arrested recorded their confession statement and seized an auto bearing No.TN 07 CP 6716. It is further alleged that based on the information given by A1 and A2 on the same day at about 11.30 a.m A-3,A-4,A-5 were arrested and A-3 had voluntarily confessed that so as to screen the offence. A-3 had changed the chasis number, engine number as AEMPGA14858 and Auto Number as TN 07 CP 6716 and subsequently A-2 had sold the said auto to A-4 for a tune of Rs.13,000/-



3. After completion of investigation, the respondent filed final report and the same has been taken cognizance by the trial Court in C.C.No.692 of 2023 before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai and the same was allowed and the petitioner was found guilty under Section 411 of Ipc and he was convicted and sentenced to undergo two years of Rigorous imprisonment and to pay a fine amount for a sum of Rs.5,000/- failing which the accused is directed to undergo 3 months simple imprisonment and also he is found guilty u/s 471 of IPC and convicted and sentenced him to undergo one year of Rigorous imprisonment and to pay a fine for a sum of Rs.3,000/- failing which the accused is directed to undergo one month simple imprisonment and ordered the sentence to run concurrently. Challenging the same the petitioner preferred Crl.A.No.496 of 2023 and the same was dismissed. Hence, the petitioner has come up with this petition for the above said relief.

4. On the side of the prosecution, they examined PW1 to PW7 and marked Exs.P1 to Ex.P10. The prosecution also produced material objects i.e. MO.1 and MO.2. On the side of the defence, no witness has been examined, no exhibits had been marked and no material objects were produced. O acquitted her. Aggrieved by the same, this criminal appeal has been filed.



5.The learned counsel for the petitioner submits that the occurrence took place on 27.01.2022 and the defacto complainant came to know that some unknown persons had committed a theft of his auto bearing No.TN07 AP 9382 on 28.01.2022. But the FIR was registered after a delay of 5 days and the prosecution had failed to render explanation for such delay. He further submits that there is no material to show that the petitioner changed the Engine and chasis number. Hence prays to allow this petition.

6.Per contra, the learned Government Advocate(crl.side) appearing for the respondent/police submitted that the prosecution relies on the confession statement and the witness who has deposed about the voluntarily confession statement of the accused, it is enough for the prosecution to believe that the accused have committed the offence. If the accused is acquitted that especially the appellant/accused effected that he has not purchased the stolen property and he has not committed any forgery after purchasing the property by destroying the engine number and chasis number he can very well examined himself to be defence witness and he can call for the records belonging to the auto to prove that he has not destroyed the engine number and chasis number of the stolen auto knowing fully well that it was stolen he has not come forward to examine himself as a defence side witness in the Trial Court and has not produced any document to



show that the said vehicle is not the vehicle which has been theft. Hence, on the basis of the confession statement the evidence deposed by the confession statement witness and the Mahazar witness the Court has seized the auto which has been thefted and also seized the auto which has been used for committing an offence. Hence, there is no necessity to interfere with the impugned order and prays to dismiss this petition.

7. Heard the learned counsel appearing on either side and perused the material placed before this Court.

8. On a perusal of records it is found that there is no material evidence to establish that the recovered auto belonged to P.W.1. further the testimony of the investigating officer, no other substantive material has been produced to prove the alleged act of alteration. It is pertinent to note that no official from the Regional Transport Office was examined to substantiate the chasis number and the engine number was changed.

9. In criminal jurisprudence, the burden is always on the prosecution to prove its case beyond reasonable doubt. When two views are possible and the one favourable to the accused is equally plausible, the benefit of doubt must



necessarily go to the accused. In the present case, the prosecution has failed to discharge its burden convincingly, and the trial Court and the Appellate Court failed to properly appreciate the infirmities in the prosecution case. Therefore, the conviction and sentence awarded by the trial Court in respect of all the charges against the petitioner and confirmed by the Appellate Court cannot be sustained and are liable to be set aside.

10. Accordingly, this Criminal Revision is allowed and the conviction and sentence imposed in C.C.No.692 of 2023 on the file of the learned XVIII Metropolitan Magistrate, Saidapet is hereby set aside. The petitioner is acquitted of all charges in CrI.A.No.496 of 2023 dated 25.07.2025 on the file of learned III Additional Sessions Court, Chennai. Fine amount, if any paid, shall be refunded to the appellant forthwith. Bail bonds, if any executed, shall stand cancelled.

**31.10.2025**

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To

1. The Sub -Inspector of Police,  
J-6, Thiruvanmiyur Police Station,  
Thiruvanmiyur, Chennai

2. The learned III Additional Sessions Court, Chennai

3. The learned XVIII Metropolitan Magistrate, Saidapet

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**T.V.THAMILSELVI, J.**

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