



CrL.R.C.(MD)No.328 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2025

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CrL.R.C.(MD)No.328 of 2022

M.Baskaran

... Petitioner

-VS-

The State represented by its,
Inspector of Police,
District Crime Branch Police Station,
Pudukkottai - 622 003,
(Crime No.8 of 1998).

... Respondent

PRAYER : Criminal Revision Case filed under 397 and 401 of Cr.P.C., to call for the records relating to the order dated 12.03.2020 made in CrL.A.No.6 of 2019 on the file of the learned Principal District and Sessions Judge, Pudukkottai, in confirming the Judgment made in C.C.No.440 of 2018 dated 24.10.2018 on the file of the learned Judicial Magistrate No.II, Pudukkottai, set aside the same and consequently acquit the petitioner from all the offences by further holding that notwithstanding anything contained in any other law, the conviction suffered by the petitioner and released on probation shall not suffer any disqualification, if any attached to the said conviction for the offences alleged and that the same will not in any way affect the service of the petitioner to get all his consequential service and monetary benefits.

For Petitioner : Mr.K.Rajkumar

For Respondent : Mr.M.Sakthi Kumar,
Government Advocate (CrL.)



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ORDER

This Criminal Revision Case has been filed, challenging the judgment passed by the learned Principal District and Sessions Judge, Pudukkottai, in CrL.A.No.6 of 2019, dated 12.03.2020, confirming the judgment of conviction and sentence passed by the learned Judicial Magistrate No. II, Pudukkottai, in C.C.No.440 of 2018, dated 24.10.2018.

Factual Matrix:-

2.The case of the prosecution is that the accused, while working as a Pharmacist at the Government Hospital, Avudayarkoil, during the period from 10.07.1996 to 14.06.1997, misappropriated Government funds by preparing forged receipts, manipulating official records, and fabricating vouchers for various fictitious expenses. It is alleged that the accused committed the following misappropriations:-

On 19.01.1996, he misappropriated Rs.445/-, Rs.775/-, and Rs. 1,220/- by falsely claiming refrigerator repairs and he created bogus receipts for clothes washing and misappropriated Rs.2,557/-. Between 03.03.1995 and 26.03.1997, he misappropriated Rs.935/- each on 06.06.1996 and 25.07.1996, Rs.1,599/-, on 13.12.1996. On 27.01.1997 and 26.03.1997, he misappropriated Rs.954/- and Rs.2,643/- respectively. Rs.10,677/- was misappropriated on 05.06.1997 under the pretext of electricity bill payments, Rs.900/- for telephone bills, and Rs.14,254/- for



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stationery on 03.03.1995 and 27.03.1997. Rs.2,610/- was misappropriated for hospital equipment repairs. Rs.5,500/- was drawn without proper post office receipts and Rs.5,500/- more for clothing procurement without actual delivery. An amount of Rs.22,077/- and Rs. 7,843/- was shown spent on medical needs without vouchers. Rs.4,300/- from the tax head and Rs.79,206/- as advance were also misappropriated. He created fake employee provident fund receipts for Rs.4,000/- and Rs. 7,450/-. Leave surrender amounts of co-workers totalling Rs.2,308/-, Rs. 3,120/-, Rs.2,211/-, Rs.1,403/- and Rs.5,471/- were also misappropriated. Thus, the total amount embezzled was Rs.1,12,180/-. Based on the complaint and evidence, the accused was charged for offences under Sections 409, 420, 467, 468, 471 and 477(A) of Indian Penal Code, 1860.

Proceedings Before the Trial Court:-

3.Upon his appearance, the copies of the documents and charge sheet were furnished to the accused under Section 207 of Cr.P.C. He denied the charges and claimed to be tried. On the side of the prosecution, three witnesses were examined and 63 documents were marked. At the conclusion of trial, the accused was examined under Section 313 of Cr.P.C. He admitted having repaid the misappropriated amount and sought leniency on grounds of ill health and remorse. He requested the learned Trial Court to admonish him. The learned Trial Court, after calling for a



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report from the Probation Officer, observed that the accused had no prior criminal antecedents and he was found to be introverted and residing in a rented house. He had acknowledged his role in misappropriation and showed willingness to reform. A departmental inquiry was pending since 2016, for forging a superior's signature, as per a report from the Deputy Director of Health Services. Although the Probation Officer did not recommend the benefit of probation under the Probation of Offenders Act, 1958, citing poor work ethics and lack of goodwill, the learned Trial Court exercised discretion. Considering his health condition, remorse, repayment of amount, and clean criminal record, the learned Trial Court released the accused on probation of good conduct for two years upon execution of a bond for Rs.5,000/- with two sureties.

Appeal Before the Sessions Court:-

4. Aggrieved by the order, the accused preferred CrL.A.No.6 of 2019 before the learned Principal District and Sessions Judge, Pudukkottai. The learned Appellate Court observed that the guilt of the accused had been established beyond reasonable doubt. The offences were grave in nature, involving misappropriation of Government funds. The preparation of bogus receipts and presentation of forged vouchers to the treasury did not merit leniency. The learned Trial Court erred in calling for a probation report, as the accused did not deserve such consideration. Despite the absence of a recommendation, the accused was released on probation, which was



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considered unjustified. Hence, the learned Appellate Court dismissed the Appeal and confirmed the conviction and sentence imposed by the learned Trial Court. This Criminal Revision Case is filed against the concurrent findings of the Courts below.

Submissions:-

5.The learned counsel appearing for the revision petitioner submits that he has successfully completed the period of probation as ordered by the learned Trial Court. The Probation Officer, Tamil Nadu Prison and Correctional Services Department, Pudukkottai, in proceedings made in Probation H.S.No.05-2019 dated 12.07.2021, certified that the petitioner had completed the probation period satisfactorily and that his conduct during the probation was good. It is further submitted that the conviction should not result in any disqualification in his service or deprive him of any consequential benefits, as per Section 12 of the Probation of Offenders Act, 1958. Reliance is placed on the decision of this Court in CrL.R.C.(MD) No. 653 of 2016, dated 09.12.2020, where similar relief was granted.

6.The learned Government Advocate (CrL.) appearing for the respondent fairly conceded the completion of probation by the petitioner and the report of satisfactory conduct.



Point for Consideration:-

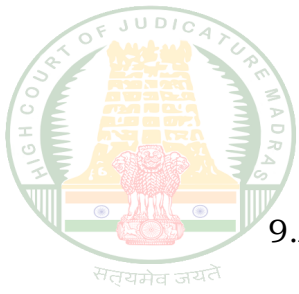
Whether the revision petitioner is entitled to the benefit under Section 12 of the Probation of Offenders Act, 1958, and thereby exempted from disqualification arising out of conviction.

Analysis and Finding:-

7. Section 12 of the Probation of Offenders Act, 1958 reads as under:-

“Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of Section 3 or Section 4 shall not suffer disqualification, if any, attaching to a conviction of an offence under such law...”

8. In the present case, the learned Trial Court had released the accused on probation of good conduct for two years and no further sentence was imposed. The Probation Officer has confirmed that the probation was duly completed and that the petitioner's conduct during the probation period was satisfactory. This Court, in CrL.R.C.(MD)No.653 of 2016, extended the protection under Section 12 to similarly placed Government servants and held that service and monetary benefits should not be affected by a conviction where the accused was released on probation. In view of the same and considering the satisfactory completion of probation, this Court is inclined to extend the benefit of Section 12 of the Act to the revision petitioner.



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9. Accordingly, this Criminal Revision Case is allowed. It is hereby declared that the conviction recorded against the revision petitioner shall not disqualify him from service or deny him consequential monetary benefits. All service benefits due to him shall be restored without any impediment. No Costs.

28.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes
Mrn

To

1. The Principal District and Sessions Judge, Pudukkottai.
2. The Judicial Magistrate No.II, Pudukkottai.
3. The Inspector of Police,
District Crime Branch Police Station,
Pudukkottai - 622 003
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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L.VICTORIA GOWRI, J.

Mrn

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