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Crl.R.C.No.962 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2026

CORAM:

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.962 of 2021

Nishar @ Arath Nishar

.... Petitioner

Vs

The State of Tamil Nadu
Rep.by Inspector of Police,
D-4, Kuniyamuthur Police Station,
Coimbatore District,
Crime No.460 of 2015

... Respondent

Prayer: Criminal Revision is filed under Section 397 & 401 of Code of Criminal Procedure to set aside the judgment passed by the learned Judicial Magistrate No.VII, Coimbatore in C.C.No.947 of 2017 dated 19.11.2018 as confirmed by the judgment of the V Additional District and Sessions Judge, Coimbatore in C.A.No.551 of 2018 dated 08.01.2021.

For Petitioner : Mr.Yeswanth
for M/s.M.N.Balakrishnan

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.side)



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ORDER

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This Criminal Original Petition has been filed challenging the judgment dated 08.01.2021, passed by the learned V Additional District and Sessions Judge, Coimbatore in C.A.No.551 of 2018, confirming the judgment dated 19.11.2018 passed by the learned Judicial Magistrate No.VII, Coimbatore in C.C.No.947 of 2017, thereby convicting the petitioner for the offence punishable under Section 392 of IPC.

2. The case of the prosecution is that on 30.07.2015, at about 20.50 hours, while the witness Deepa was returning home from Town Hall in her two wheeler bearing Registration No.TN-37-AP-1884 TVS Scooty Pep, near Idaiyarpalayam Kononar Crematorium, the A-1/Abbas @ Karumai Abbas and A2 Nishar @ Arath Nishar came in two wheeler bearing registration No. TN 37 CC 8786 and waylaid the witness and committed robbery by taking away her 16 sovereigns of gold chain and two golden rings of 1 gram and 2 grams respectively. Hence the complaint. On receipt of the complaint, the first respondent police registered a FIR in Crime No.460 of 2015, for the offence under Section 392 IPC against the accused persons. After completion of investigation, the respondent filed final report and the same has been taken cognizance



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in C.C.No.550 of 2014.

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3. To bring the charge to home, the prosecution had examined witnesses in P.W.1 to P.W.10 and marked documents in Ex.P.1 to Ex.P.8. On the defence side, no witness was examined and no documents were marked. After considering the oral and documentary evidences, the Trial Court found the accused guilty for the offence under Section 392 of IPC and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo three months simple imprisonment. Aggrieved by the same the petitioner preferred an Appeal and the same was also dismissed by the Appellate Court by confirming the order passed by the Trial Court. Hence, the petitioner preferred the present Criminal Revision Case.

4. The learned counsel for the petitioner submitted that no test identification parade was conducted by the prosecution to identify the petitioner. The witness herself admitted that the petitioner is a stranger to the complainant and she categorically deposed that the petitioner was identified in the Police Station and thereafter in the Court. That apart, the petitioner was arrested and remanded to the judicial custody after a period



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of three months from the date of alleged occurrence. He has been implicated as an accused only on the confession statement of the 1st accused. The 1st accused pleaded guilty before the trial Court. The petitioner contested the case. The entire recovery was made only from the 1st accused and no recovery was made from the petitioner herein. Hence, he prayed to allow this revision.

5. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that as on 18.03.2026, the petitioner was in incarceration in prison for 1022 days. He further submitted that the petitioner was subsequently banned as Goonda and was detained under Tamil Nadu Act 14 of 1982 vide detention order dated 07.08.2025 and the detention order was quashed by this Court in HCP.No.1730 of 2025 dated 16.03.2026.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. On perusal of the records and by considering the submissions made by the learned Government Advocate (Crl. Side) the petitioner had already undergone incarceration for 1022 days and



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therefore, he had served the entire sentence.

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8. Accordingly, this Criminal Revision Case stands disposed of.

24.03.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
dpq

To

1.The V Additional District
and Sessions Judge, Coimbatore

2. The learned Judicial Magistrate No.VII,
Coimbatore

3.The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

dpq

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