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Crl.R.C.No.1730 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2026

CORAM:

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.R.C.No.1730 of 2025
and Crl.M.P.No.2852 of 2026

S.Rajkumar (ocha)

-Vs-

...Petitioner

The State Rep. By
The Inspector of Police,
Uthukuli Police Station,
Tiruppur district.
Crime No.45 of 2024

...Respondent

PRAYER: Criminal Revision Petition is filed under Sections 42 r/w. 424 of BNSS, 2023 praying to call for the records and set aside the judgment of I Additional Sessions Judge, Tiruppur, Tiruppur district in Crl.A.No.321 of 2024 dated 08.07.2025 by confirming the judgment of conviction and sentence passed in C.C.No.37 of 2024 dated 30.09.2024 by the learned District Munsif cum Judicial Magistrate, Uthukuli, Tiruppur District and allow this revision and acquit the appellant / accused No.1.



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For Petitioner : Mr.P.Pugalenth
For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

The revision challenges the judgment passed in Crl.A.No.321 of 2024 confirming the judgment passed in C.C.No.37 of 2024 convicting the petitioner for the offences under Section 380 and 454 IPC and sentencing him to three years of simple imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for two months.

2. It is the case of the prosecution that the petitioner along with two others had committed theft of a gold coin from the cupboard of the house of P.W.1.; that on a complaint of P.W.1, a case was registered and on investigation, it was found that the petitioner along with two others have committed the aforesaid offences.

3. Before the trial Court, the prosecution had examined P.W.1 to P.W.6 and marked Exs.P1 to P7. The trial Court found that the petitioner is guilty of the aforesaid offences on the basis of the fingerprint that was lifted from the scene of occurrence based on the expert's opinion which stated that the finger print lifted from the scene of occurrence matches with the



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fingerprint of the petitioner. The trial Court acquitted the remaining two accused. The appellate court confirmed the finding of guilt by the trial Court and the sentence imposed on the petitioner.

4. Mr.P.Pugalenth, the learned counsel for the petitioner, would submit that no witnesses have been examined to prove the involvement of the petitioner in this case; that the petitioner is sought to be convicted only on the basis of the expert's opinion which cannot be the sole basis for conviction and that the impugned judgment is perverse and is liable to be set aside. He would further submit that the petitioner is in the custody for one year and 11 months.

5. Mr.R.Vinothraja, the learned Government Advocate (Crl.side), would submit that in a case of this nature, it would not be possible to adduce direct evidence and the petitioner was unable to point out any infirmity in the opinion of the expert who had found that the fingerprint lifted from the house of the victim matched with the fingerprint of the petitioner and considering the fact that the concurrent findings of the facts cannot be said to be perverse, he sought for dismissal of the revision.



6. As stated above, the prosecution examined six witnesses. P.W.1, the victim, had stated that her cupboard in the house was broken open and a gold coin was stolen. On her complaint, investigation was conducted by P.W.6. During the course of investigation the fingerprints that were available in the place of occurrence and in the cupboard were lifted. P.W.4, the expert who had examined the finger print of the petitioner and the fingerprint that was lifted from the occurrence, had deposed that both the fingerprints matched. It is seen that the expert has not been discredited by the defense. The trial Court has also found that the fingerprint of the petitioner were already available in the police department as the petitioner was involved in several other cases.

7. Considering all these facts and since this Court is of the view that the finding of the Courts below are not perverse, this Court is inclined to confirm the finding of guilt of the Courts below. However, considering the facts and circumstances of the case and since no recovery is made from the petitioner, this Court is inclined to reduce the sentence imposed on the petitioner from three years simple imprisonment to two years simple imprisonment and to pay a fine of Rs.10,000/-. Accordingly, it is ordered as follows:

(i) The conviction of the appellant for the offence under Section 380 and 454 IPC, by the learned I Additional Sessions



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Judge, Tiruppur, in Crl.A.No.321 of 2024 and confirmed by the learned District Munsif cum Judicial Magistrate, Uthukuli, Tiruppur District, in C.C.No.37 of 2024 is confirmed.

(ii) However, the sentence imposed on the appellant i.e., simple imprisonment for three years and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for three months, is modified and the appellant is sentenced to undergo simple imprisonment for two years and to pay a fine of Rs.10,000/- in default to undergo simple imprisonment for two months simple imprisonment.

(iii) The fine amount already paid, if any, shall be adjusted against the fine amount imposed now.

(iv) The period of sentence already undergone by the petitioner shall be set off under Section 428 Cr.P.C.

8. In the result, the Criminal Revision is disposed. Connected miscellaneous petition is closed.

18.02.2026

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SUNDER MOHAN, J.,

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To

1. The District Munsif cum Judicial Magistrate, Uthukuli, Tiruppur District
2. The I Additional Sessions Judge, Tiruppur.
3. The Inspector of Police,
Uthukuli Police Station,
Tiruppur district.
4. The Public Prosecutor,
High Court, Madras.

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