



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Criminal Original Jurisdiction

Monday, the Twenty Seventh day of February Two Thousand and Twenty Three

WEB COPY

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
AND
The Hon`ble Mr.Justice SUNDER MOHAN

CRL A(MD). No.90 of 2021

The Inspector of Police
Periyakulam Police Station,
Theni District.
Cr.No. 183 of 2015. ... Appellant/Complainant

Vs

- 1 Sathishkumar
- 2 Krishnaveni
- 3 Divya
- 4 Angaiyah ... Respondent/Accused(A1 to A4)

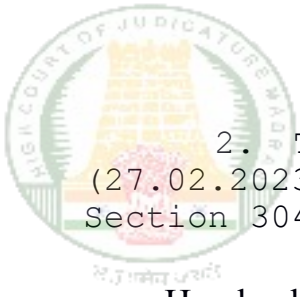
Prayer :-

This Criminal Appeal filed under section 378(1) of Criminal Procedure code, to set aside the judgment of acquittal of the Respondents/Accused (A1 to A4) dated 28.11.2019 in sessions Case No.176 of 2015 on the file of the Additional District and Sessions Judge, Theni @ Periyakulam, to convict the Respondents/Accused (A1 to A4) for the charges framed against him.

ORDER:-

This Appeal Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.Meenakshi Sundaram, Additional Public Prosecutor, for the Appellant and of Mr.G.Chnadra Sekar for R 1 TO 4, Respondents, this Court made the following order:

On 15.02.2023, this Court, after re-appreciating the evidence in the light of the appeal against acquittal, has held the accused No.1 is guilty of the offence of culpable homicide not amounting to murder since his act falls within the fourth exception to Section 300 IPC. For questioning the accused regarding the sentence, the court was adjourned to 27.02.2023.



2. The accused No.1 is appeared before this Court today (27.02.2023). The accused No.1, who found guilty of offence under Section 304(1) IPC, is questioned about the sentence.

He pleads that “ஐயா, நான் எந்த தவறும் செய்யவில்லை. எனது தந்தை நடக்க இயலாமல் ஊனமுற்ற நிலையில் உள்ளார். தாயாரும் உடல்நலம் குறைவில் உள்ளார். இறந்தவரின் குழந்தை எனது தங்கை மகள் அவர்களையும் நான்தான் பாதுகாத்து வருகிறேன். என் மீது கருணை காட்டுங்கள்.”

3. Considering the facts and circumstances, the following sentence is imposed: -

The first accused is sentenced to undergo five years rigorous imprisonment and to pay a sum of Rs.1,000/- as fine, in default, to undergo one month simple imprisonment for having committed the offence under Section 304(1) I.P.C.

4. The first accused is directed to surrender before the trial Court within a period of 30 days from today, failing which, the trial Court is directed to issue Warrant and after securing the accused, send him to remand. The period of sentence already undergone by the accused No.1 is ordered to be set off under Section 428 Cr.P.C.

5. Accordingly, the appeal is partly allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

AM

TO

1. The Additional District and Sessions Judge,
Theni @ Periyakulam.

2. Do Thro' the Principal District Judge, Theni

3. The Judicial Magistrate, Theni

4. Do Thro' the Chief Judicial Magistrate, Theni



5. The District Collector, Theni.
6. The Director General of Police, Mylapore, Chennai.
7. The Superintendent, Central Prison, Theni.
8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

Copy:

The Section Officer,
Criminal Section Records
Madurai Bench of Madras High Court, Madurai

+1. CC to M/S.G.Chnadra sekar, Advocate SR.No.11038

ORDER DATED : 27/02/2023

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ORDER

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Crl.A(MD) No.90 of 2021

Giving direction and etc.
as stated within.

RD (15/03/2023) 3P 11C