

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Crl.A.No.115 of 2015

Jagan @ Jayasuriya

... Appellant/Accused No.1

Vs.

The State rep. by
The Inspector of Police,
Tiruppur Police Station,
Tiruppur.

Crime No.499 of 2007

... Respondent

Prayer:- Appeal has been filed under Section 374 of Cr.P.C. against the judgment of conviction and sentence dated 25.11.2014 made in S.C.No.30 of 2012 on the file of the learned Sessions Judge, Mahila Court (Fast Track Court) Tiruppur.

For Appellant : Mr.C.Prabakaran

For Respondent : Mr.V.Arul

Government Advocate (Crl. Side)

O R D E R

The Criminal Appeal arises out of the judgment of conviction and sentence dated 25.11.2014 made in S.C.No.30 of 2012 on the file of the learned Mahila Court (Fast Track Court) Tiruppur.

2.On 27.02.2015, this Court called for the remarks from the learned Sessions Judge, Mahila Court (Fast Track Court), Tiruppur to the effect that since the appellant was found guilty under Section 302 IPC, the minimum punishment is life sentence but the Trial Court has imposed ten years rigorous imprisonment and a fine of Rs.10,000/-

3.The report dated 07.03.2015 has been received from the learned Sessions Judge, Mahila Court (Fast Track Court), Tiruppur stating that it is purely an error committed by her under a mistaken and misconceived notice of the punishment that it extends upto life..

4.Considering the fact that the minimum punishment under Section 302 IPC is life sentence and no lesser punishment can be imposed, without going into the merits of the case, this Court is inclined to direct the Registry to return the case to the Trial Court to consider

the provision of Section 302 IPC and impose appropriate sentence as contemplated under law after following the procedure and after giving an opportunity to the appellant/accused.

5.The Criminal Appeal is ordered accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The The Inspector of Police,
Tiruppur Police Station,
Tiruppur.
 - 2.The learned Sessions Judge,
Mahila Court (Fast Track Court)
Tiruppur.
 - 2.The Public Prosecutor
High Court, Chennai.
 - 3.The Record Keeper,
Criminal Section,
High Court, Madras.
 4. The Section Officer, Criminal Section, High Court, Madras.
- + 1 cc to Mr.C. Prabakaran, Advocate SR.16738
+ 1 cc to Mr. Advocate SR.
+ 1 cc Government Pleader Sr.

KM(CO)
EU 08.04.2015

सत्यमेव जयते

Cr1.A.No.115 of 2015

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