

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.03.2015

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

Crl.A.No.127 of 2015
and
M.P.No.1 of 2015

P.Suresh @ Suresh Kumar

...Appellant/Accused

Vs.

State rep. by
The Inspector of Police,
H-4 Korukkupet Police Station,
Chennai.
Crime No.547 of 2012

...Respondent/Complainant

Prayer:- Appeal has been filed under Section 374 of Cr.P.C. against the judgment of conviction and sentence dated 22.01.2015 made in S.C.No.55/2013 on the file of the learned Sessions Judge, Mahila Court, Chennai.

For Appellant : Mr.Venkatesh Mohanraj

For Respondent : Mr.V.Arul
Government Advocate (Crl. Side)

सत्यमेव जयते
O R D E R

The Criminal Appeal arises out of the judgment of conviction and sentence dated 22.01.2015 made in S.C.No.55/2013 on the file of the learned Sessions Judge, Mahila Court, Chennai.

2.On 09.03.2015, this Court called for the remarks from the learned Sessions Judge, Mahila Court, Chennai 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 17.03.2015 has been received from the learned Sessions Judge, Mahila Court, Chennai stating that she has stated the special reason in the judgment for imposing ten years rigorous imprisonment instead of life sentence under Section 302 IPC against the appellant/accused.

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. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

To

1. The Sessions Judge,
Mahila Court, Chennai.
2. The The Inspector of Police,
H-4 Korukkupet Police Station, Chennai.
3. The Public Prosecutor
High Court, Chennai.
4. The Record Keeper,
Criminal Section, High Court, Madras.

2 CCs to Mr.Venkatesh Mohanraj, Advocate SR.No. 16028

Crl.A.No.127 of 2015
and M.P.No.1 of 2015

KSJ (CO)
PSI (26.03.2015)