

Bail Slip

Petitioner was directed to be released on bail as per order of this court dated 29.10.2010 in M.P.No.2 of 2010 in CrI.R.C. No. 1026 of 2010.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-06-2015

Coram :

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 1026 of 2010

Rajnikant ...Petitioner/Appellant/Accused

Versus

State by Sub Inspector of Police
All Women Police Station
Melmaruvathur.
Crime No.2/07

...Respondent/Complainant

Criminal Revision Case filed under Section 397 and 401 of Criminal Procedure Code to set aside the judgment dated 27.09.2010 passed in Criminal Appeal No. 129 of 2007 on the file of the Additional District and Sessions Judge, Fast Track Court No.I, Chengalpattu confirming the judgment dated 29.10.2007 made in C.C. No. 72 of 2007 on the file of Judicial Magistrate, Madurantakam.

For Petitioner : Mr. R. Vijayakumar

For Respondent : Mr. T. Arul
Government Advocate (Criminal side)

ORDER

On the basis of the complaint given by the defacto complainant against the revision petitioner that he had sexual intercourse with her on the false promise to marry her, the case in Crime No. 2 of 2007 came to be registered against the revision petitioner herein for the offence under Section 417 of IPC. Upon trial, the trial Court convicted the revision petitioner under Section 417 of IPC and sentenced him to undergo rigorous imprisonment for a period of 10 months with fine of Rs.5,000/-, in default to undergo simple imprisonment for two months. Assailing the judgment of conviction passed by the trial Court, the petitioner has filed Criminal Appeal No. 129 of 2007 before the Appellate Court and it was also dismissed, hence the present Criminal Revision Case.

2. Today, when the Criminal Revision Case is taken up for hearing, both the petitioner and the defacto complainant are present. The defacto complainant agreed to compound the sentence imposed against the revision petitioner by stating that she had married the revision petitioner even as early as on 15.11.2010 and they are living happily. To this effect, a memo, in the form of a Petition is filed before this Court in which both the defacto complainant and the revision petitioner have signed. According to the petitioner, the dispute has been settled amicably and therefore the offence may be compounded by setting aside the conviction and sentence imposed on him by the courts below.

3. Considering the fact that the dispute has been compromised between the parties and a memo to this effect has also been filed praying to record the compromise memo, this Court is of the view that the conviction and sentence imposed on the petitioner can be permitted to be compounded as per the decision of the Honourable Supreme Court in (i) B.M. Joshi vs. State of Haryana (2003) 4 SCC 675 (ii) Nikhil Merchant vs. C.B.I. 2008 (3) SCC CrI 858 (iii) Jagdish Chanana and others vs. State of Haryana 2009 (3) SCC CrI. 1157. Accordingly, following the decision of the Honourable Supreme Court referred to above, this Court is of the view that the judgment of conviction passed against the petitioner could be set aside. Accordingly, the judgment dated 27.09.2010 passed in Criminal Appeal No. 129 of 2007 on the file of the Additional District and Sessions Judge, Fast Track Court No.I, Chengalpattu confirming the judgment dated 29.10.2007 made in C.C. No. 72 of 2007 on the file of Judicial Magistrate, Madurantakam are set aside. The Criminal Revision Case is allowed.

Sd/-

Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

rsh

To

1. The Additional District and Sessions Judge
Fast Track Court No.I
Chengalpattu.
2. -Do Through The Principal Sessions Judge,
Chengalpattu.
3. The Judicial Magistrate
Madurantakam.

4. -Do- Through The Chief Judicial Magistrate,
Chengalpattu.
5. The Sub Inspector of Police
All Women Police Station
Melmaruvathur.
6. The Superintendent,
Central Prison,
Puzhal, Chennai.
7. The Public Prosecutor,
High Court,
Madras.

1 CC to Mr. R. Vijayakumar, Advocate SR.No. 29488

Crl.R.C No. 1026 of 2010

RV (CO)
PSI (10.07.2015)



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