



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.02.2015

CORAM:

THE HONOURABLE MS. JUSTICE R. MALA

Criminal Appeal No.86 of 2015
and M.P.No.1 of 2015

Uungu alias Shanmuganathan

.. Appellant/Accused

vs.

State by Inspector of Police
Kothagiri Police station, Kothagiri.
Cr.No.209 of 2010.

.. Respondent/Complainant

Prayer: Criminal Appeal filed under Section 374 (2) of Cr.P.C., against the judgment of conviction and sentence dated 23.01.2015 made in S.C.No.39 of 2012 on the file of the learned Sessions Judge, magalir Needhimandram (Fast Track Court) Udthagamandalam.

For Appellant	:	Mr.J.Franklin
For Respondent	:	Mr.V.Arul
		Government Advocate (crl.side)

J U D G M E N T

This Criminal Appeal arises out of the judgment of conviction and sentence dated 23.01.2015 made in S.C.No.39 of 2012 on the file of the learned Sessions Judge, magalir Needhimandram (Fast Track Court) Udthagamandalam, whereby the accused/the appellant herein was convicted under Section 307 IPC and sentenced to undergo three months rigorous imprisonment and to pay a fine of Rs.1,00,000/-, in default in payment, to undergo one year simple imprisonment.

2.Heard the learned counsel appearing for the appellant and the learned Government Advocate (Crl. Side) appearing for the respondent and perused the materials available on record.

3.The learned counsel appearing for the appellant would submit that the appellant has already undergone the period of sentence, i.e. three months imposed by the Trial Court. He would further submit that now he has pleaded only for reduction of fine amount imposed by the Trial Court stating that it is a dispute between the spouses and due to sudden provocation, the occurrence said to have taken place. Since the appellant is a coolie, he prayed for reduction of fine



amount.

5. Considering the gravity of offence and also the occurrence that has happened due to sudden provocation, I am inclined to reduce the fine amount from Rs.1,00,000/- to Rs.50,000/-, in default in payment, the accused is directed to undergo six months simple imprisonment. Out of the fine amount of Rs.50,000/-, Rs.45,000/- is ordered to be paid as compensation to P.W.2/the injured victim.

6. In fine,

(i) Judgment of conviction and sentence passed by the trial Court under Section 307 IPC is hereby confirmed and the fine amount is reduced from Rs.1,00,000/- to Rs.50,000/-, in default in payment to undergo six months simple imprisonment.

(ii) Out of the fine amount of Rs.50,000/-, a sum of Rs.45,000/- is ordered to be paid as compensation to P.W.2/the injured victim.

(iii) The Criminal Appeal is ordered accordingly.

(iv) Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

//True Copy//

• Sub Assistant Registrar

cse

To

1. The Sessions Judge,
Magalir Needhimandram (Fast Track Court)
Udhagamandalam.

2.-do- Thro the Principal Sessions Judge, Uthagamandalam

3. The Inspector of Police
Kothagiri Police station, Kothagiri.



4.The Superintendent, Central Prison, Coimbatore.

5.The Public Prosecutor
High Court, Madras.

WEB COPY

Criminal Appeal No.86 of 2015
and M.P.No.1 of 2015

ug(co)
pmk.27.2.2015