

Bail Slip

The petitioner/Accused Viz., Michael was directed to be released on bail as per order of this court dated 14.10.2010 and made in MP.No.1 of 2010 in CrI.R.C.No.1039/2010.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.6.2015

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

CrI.R.C.No. 1039 of 2010

Michael : Petitioner/(Accused)
versus

State by Inspector of Police,
All Women Police Station,
Crime No.47/2007
Pollachi : respondent/Complainant

Revision filed against the order made in C.A.No.90 of 2010 dated 18.8.2010 on the file of the Addl. District & Sessions Judge, F.T.C No.3, Coimbatore(C.C.No.342 of 2008 dated 19.03.201, Judicial Magistrate No.I, Pollachi).

For petitioner : Mr.R.Rajasekaran

For respondent : Mr.T.Arul, Government Advocate
(Criminal Side)

O R D E R

The petitioner was tried in C.C.No.342 of 2008, on the file of the Judicial Magistrate No.1, Pollachi. The petitioner was convicted for offence under section 498-A IPC and sentenced to undergo two years rigorous imprisonment and imposed a fine of Rs.3,000/- in default, to undergo simple imprisonment for three months; he was also convicted under Section 323 IPC and sentenced to undergo three months simple imprisonment and to pay a fine of Rs.1000/-, in default to undergo simple imprisonment for one month.

2. Aggrieved by the said order, he preferred an appeal in C.A.No.90 of 2010, before the Addl. District and Sessions Judge, F.T.C. No.3, Coimbatore, who upheld the conviction and sentence imposed on the petitioner and dismissed the appeal. Challenging the same, the present revision has been filed.

3. Inasmuch as two courts have already gone into the facts and given concurrent findings holding the accused guilty, it may not be necessary for me to go into the facts and circumstances of the case again. Moreover, this court sitting in revision is called upon to satisfy itself with the correctness, legality and propriety of the orders passed by the courts below, and not to re-appraise the evidence. The case of the prosecution in brief is as follows:-

"a) Ever since the date of his marriage with the defacto complainant, the petitioner was harassing her for want of more dowry. On 17.9.2007, the petitioner beat the defacto complainant, asking her to bring Rs.50,000/- as dowry. Unable to bear the torture, the defacto complainant lodged a complaint before the respondent police.

b) A case was registered against the petitioner and tried in C.C.No.342 of 2008 on the file of Judicial Magistrate No.1, Pollachi and the petitioner were convicted as aforesaid."

4. After making some elaborate arguments, the learned counsel for the petitioner confined his arguments with regard to sentence alone. The learned counsel submitted that no case has been made out for convicting the accused under Section 498-A IPC. The petitioner is working only as a coolie and he is supporting his sister. The learned counsel submitted that the petitioner regrets for his action towards his wife.

5. The learned Government Advocate (Criminal Side) opposed the prayer of the learned counsel for the petitioner for reduction of sentence.

6. On going through the entire materials placed on record, it is seen that the petitioner was a drunkard and he was in the habit of beating his wife demanding dowry. The evidence adduced by the victim is clear and cogent. The materials produced by the prosecution too support the case of the defacto complainant. Therefore, the conviction is confirmed. However, considering the fact that the couple are no more living together and that the petitioner is a coolie, taking care of his sister, the sentence alone is reduced to four months rigorous imprisonment for offence under Section 498-A IPC. The sentence imposed on the petitioner for offence under Section 323 IPC is sustained. However, the sentences shall run concurrently.

7. The revision is disposed of accordingly. Bail bonds shall stand cancelled.

7. The court below is directed to secure the custody of the petitioner and make them undergo the remaining part of the sentence.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Addl. District & Sessions Judge,
F.T.C No.3, Coimbatore.
- 2.The Judicial Magistrate, No.1, Pollachi
- 3.The Public Prosecutor, High Court, Madras
- 4.The Inspector of Police,
All Women Police Station, Pollachi.
5. The Superintendent Central Prison, Coimbatore.

1 cc to M/s. R. Rajasekaran, Advocate Sr.28431

Crl.R.C.No. 1039 of 2010

MP(CO)
Eu 23.06.15



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