

Crl.R.C.No.1101/2010

The petitioner/Accused viz., Iyyanar S/o.Kuppan was directed to be released on bail as per the Order of this Court dated 01.12.2010 in M.P.No.1/2010 in Crl.R.C.No.1101/2010.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.6.2015

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Crl.R.C.No. 1101 of 2010

Iyyanar : Petitioner

versus

State by Inspector of Police,
Kaveripattinam Police Station,
Crime No.1067/2002
Krishnagiri

: respondent

Revision filed under Section 397 & 401 Cr.P.C. to call for the records on the file of the Additional Sessions Judge, Krishnagiri, Vellore District in Crl.A.NO.20/2006 dated 18.9.2009 confirming the Judgment in S.C.No.113/2015 on the file of the Addl. Assitant Sessions Judge (Addl.Special Judge, Krishnagiri District) dated 6.10.2005 and set aside the Judgment dated 18.9.2009.

For petitioner : Mr.E.Kannadasan

For respondent : Mr.T.Arul, Government Advocate

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O R D E R

The petitioner was tried in S.C.No.113/2005, on the file of the Additional Assistant Sessions Court, Krishnagiri and he was convicted for offence under section 307 IPC and sentenced to undergo five years rigorous imprisonment and imposed a fine of Rs.5,000/- in default, to undergo simple imprisonment for six months.

2. Aggrieved by the said order, he preferred an appeal in C.A.No.20 of 2006, before the Additional Sessions Judge, Krishnagiri, 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) On 17.9.2007, the petitioner, due to previous enmity with regard to sharing of water in paddy fields, attacked P.W.2 with knife and made a cut injury on her head. He also attacked those who rushed to help P.W.2.

b) Based on the above incident, a case was registered against the petitioner and tried in S.C.No.113 of 2005, on the file of Additional Assistant Sessions Judge, Krishnagiri 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 the petitioner has been falsely implicated in this case and others were also involved in the crime. He has spent around 1½ years in jail. The accused is 42 years old now and he is suffering from certain ailments. The petitioner and the victim are all relatives. He is the sole breadwinner of the family and his family would suffer if he is incarcerated again. Therefore, the learned counsel pleads for mercy.

5. The learned Government Advocate (Criminal Side) opposed the prayer of the learned counsel for the petitioner for reduction of sentence and submitted that the injury was on the head and it was severe in nature. At the time of occurrence, the victim was 60 years old.

6. On going through the entire materials placed on record, it is seen that the petitioner is the sole breadwinner of the family and he is repenting for his offence. It is seen that the petitioner has already spent 1½ years of his total sentence of 5 years rigorous

imprisonment. Considering the over all facts and circumstances of the case, while confirming the conviction, the sentence alone is reduced to 2½ years rigorous imprisonment.

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

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To

- 1.The Additional Sessions Judge, Krishnagiri.
- 2.The Additional Assistant Sessions Judge, Krishnagiri.
- 3.The Public Prosecutor, Madras
- 4.The Inspector of Police,
Kaveripattinam Police Station, Krishnagiri.
- 5.the Superintendent, Central Prison, Vellore.

1 cc to Mr. E.Kannadasan, Advocate Sr.No.28599

Cr1.R.C.No. 1101 of 2010

rsk(co)

pmk.29.6.2015

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