

Bail Slip

The petitioners/Accused in Crl.R.C.115/2010 Viz.(1) Veerappan, S/o.Kandasamy, (2) Pushpanathan, S/o. Veerasamy were directed to be released on bail as per order of this court dated 05/02/2010 made in M.P.2/2010 in Crl.R.C.115/2010.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2015

CORAM:

THE HON'BLE MR.JUSTICE B. RAJENDRAN

CRL. R.C. No. 115 of 2010

1.Veerappan

2.Pushpanathan .. Petitioners/Accused

Versus

The State

rep. by Station House Officer
Karuvelankurichi Police Station

Virudhachalam

Crime No.174 of 2003.

.. Respondent/Complainant

Criminal Revision Case filed under Section 397 read with 401 of the Criminal Procedure Code, against the judgment of conviction and sentence passed by the Additional District Sessions Judge, Fast Track Court No.III, Virudhachalam, in Crl.A. No. 39 of 2009, dated 27.01.2010, confirming the judgment of conviction and sentence passed by the learned Judicial Magistrate No.II, Virudhachalam, in C.C. No. 331 of 2005, dated 07.08.2009.

For Petitioners: Mr.S.N.Arunkumar
for Mr.S.Shankar

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

O R D E R

The petitioners/accused stood charged for the offences punishable under Sections 294(b), 354, 506 (ii) IPC r/w. Section 4 of the Tamil Nadu (Prevention) Women Harassment Act alleging that on 07.06.2003, at about 1.30 p.m., at Melapalaiyur Colony, due to previous enmity, accused Nos.1 to 3 were alleged to have gathered in front of the house of one Kolanchi and assaulted him with legs and also thrown blade on him. Thereafter, Accused Nos. 1 and 2 were alleged to have knocked down the daughter of Kolanchi, viz., Sumathi/P.W.1 and they were alleged to have sit on her and assaulted her on the chest and caught hold of her neck. Thereafter, accused No.1 is alleged to have attacked Sumathi by using blade, as a result of which, she sustained

injuries on the left cheek of the face and contusion on left cheek and contusion at the left leg. After trial, the first petitioner was convicted by the learned Judicial Magistrate No.II, Virudhachalam, in C.C.No.331 of 2005 for the offences under Sections 294(b) and 354 IPC and sentenced him to undergo rigorous imprisonment for one month and to pay a fine of Rs.300/-, in default, to undergo rigorous imprisonment for a period of two weeks for the offence under Section 294(b) IPC and he was sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.500/-, in default to undergo rigorous imprisonment for a period of two months for the offence under Section 354 IPC. The second petitioner was found guilty for the offence under Section 354 IPC and sentenced to undergo rigorous imprisonment for six months and to pay a fine of Rs.500/-, in default to undergo rigorous imprisonment for two months. The judgment of conviction and sentence imposed on the petitioners/accused Nos.1 and 2 was confirmed by the learned Additional District Sessions Judge, Fast Track Court No.III, Virudhachalam, on 27.01.2010 in Crl.A. No. 39 of 2009. Aggrieved against the same, the petitioners/accused Nos.1 and 2 have come forward with the present Criminal Revision Case.

2. Mr.S.N.Arunkumar, learned counsel for the petitioners would submit that the occurrence itself took place only due to a wordy quarrel in a family dispute, but, it has been blown out by exaggeration. He would further contend that the parties are relatives and they have now settled the matter. He would further add that he is not arguing the case on merits but confined his argument only on sentence. He would further add that the petitioners have already undergone sentence on two occasions, firstly, during the remand period for a period of 18 days and during the appeal period, they were arrested and were in jail for a period of 5 days and totally, they have been in jail for 23 days and now they repent for the offence and to have peaceful and cordial relationship, they prayed for showing leniency in reduction of sentence to the effect that the period already undergone may be held sufficient in this case.

3. I heard Mr.V.Arul, learned Government Advocate appearing for the respondent, who on instructions would confirm that the petitioners/accused Nos. 1 and 2 have undergone the sentence of imprisonment as stated supra.

4. Heard both sides. By consent, the Criminal Revision Case is taken up for final disposal.

5. Taking into consideration of the fact that the petitioners are the sole breadwinner of the family and they are close relatives and that now the parties want to have a cordial relationship, apart from that, the petitioners have already undergone imprisonment for few days on two occasions viz., firstly, during the remand period for a period of 18 days and during the appeal period, they were arrested and were in jail for a period of 5 days and totally, they have been in jail for 23 days, apart from that the learned counsel appearing for the petitioners is not arguing the matter on merits, but, he is confining his argument only on the question of sentence imposed on the petitioners by the Appellate Court and prayed for

showing leniency in reduction of sentence to the effect that the period already undergone may be held sufficient, I am of the view that some leniency can be shown to the petitioners/accused Nos.1 and 2 in reducing the sentence. Accordingly, while confirming the conviction imposed by the Appellate Court, the sentence alone is reduced to the period already undergone by the petitioners. Insofar as to the fine amount imposed by the Appellate Court is concerned, it stands confirmed. At this juncture, it is represented by the learned counsel appearing for the petitioners that the fine amount ordered by the Appellate Court has already been paid. The said statement is recorded.

6. With the above modification in sentence, this Criminal Revision Case is partly allowed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

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To

- 1.The Additional District Sessions Judge
Fast Track Court No.III
Virudhachalam.
- 2.The Judicial Magistrate No.II
Virudhachalam.
- 3.-do-Thro'The Chief Judicial Magistrate, Cuddalore.
- 4.The Station House Officer
Karuvelankurichi Police Station
Virudhachalam.
- 5.The Public Prosecutor, High Court, Madras-104.

CrI.R.C. No. 115 of 2010

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