

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **10.7.2015**

CORAM:

THE HONOURABLE MR. JUSTICE **B.RAJENDRAN**

Crl.R.C.No.1174 of 2010

Thamizharasan : Petitioner

versus

State by Inspector of Police,
Annamalai Nagar Police Station,
Crime No.227/1999
Cuddalore

: respondent

Revision filed against the order made in C.A.No.23/2007 dated 20.5.2010
on the file of the Additional District Judge/ Fast Track Court No.1, Chidambaram.

For petitioner : Mr.A.Nagarathinam

For respondent : Mr.V.Arul, Government Advocate

ORDER

The petitioner was tried in S.C.No.145/2002, on the file of the Assistant Sessions Judge, Chidambaram. The petitioner was convicted for offence under section 324 IPC (2 counts) and sentenced to undergo rigorous imprisonment for 18 months.

2. Aggrieved by the said order, he preferred an appeal in C.A.No.23/2007, before the Addl. District Judge/ Fast Track Court No.1, Chidambaram, 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) The petitioner used to transport illicit arrack by the way of the house of the defacto complainant, due to which, enmity arose between them. On 4.5.1999 at about 1930 hours, the petitioner, in an inebriated condition, attacked the defacto complainant with sickle. When the brother of the defacto complainant tried to intervene and save the defacto complainant, he was also attacked with sickle by the petitioner.

b) A case was registered against the petitioner and tried in S.C.No.145/2002 on the file of the Assistant Sessions Judge, Chidambaram, and the petitioner was 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 though the petitioner was initially charged for offence under Section 307 IPC, later, it was modified into one as 324 IPC. The lower Court has granted 18 months rigorous imprisonment. The petitioner has got a family. He is aged about 45 years now and the petitioner has already suffered 5 months imprisonment. The learned counsel therefore seeks some leniency.

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 though the petitioner was initially charged for offence under Section 307 IPC, later, it was changed to 324 IPC. The petitioner has served about 5 months rigorous imprisonment. The petitioner has also got a family to look after and he is the sole breadwinner. If he is sent to jail, his family would suffer. Therefore, while confirming the conviction, the sentence alone is reduced to one year rigorous imprisonment.

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

B. RAJENDRAN, J.

(tar)

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

10.7.2015

tar

To

- 1.The Additional District Judge/ Fast Track Court No.1, Chidambaram.
- 2.The Assistant Sessions Judge, Chidambaram
- 3.The Public Prosecutor, Madras High Court
- 4.The Inspector of Police,
Annamalai Nagar Police Station,
Cuddalore.

Crl.R.C.No.1174 of 2010