

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2015

CORAM :

THE HONOURABLE Mr.JUSTICE B.RAJENDRAN

Crl.R.C.No.1091 of 2009

1.Subramani @ Mani
2.Raja
3.Ravi @ Ravichandran
4.Vinodh Kumar ... Petitioners
Vs.

State by Inspector of Police,
E3 Teynampet Police Station,
Chennai (Cr.No.1408/2004),
Thiruvallur District. ... Respondent

Prayer: Revision has been filed under Sections 397 & 401 of Cr.P.C against the judgment dated 09.11.2009 in Crl.A.No.354 of 2008 passed by the learned Additional District and Sessions Judge (FTC-2), Chennai, confirming the conviction and modifying the sentence passed by the learned XVIII Metropolitan Magistrate, Saidapet, Chennai made in C.C.No.9108 of 2004 dated 08.12.2008.

For Petitioners : Mr.E.C.Murali
For Respondent : Mr.V.Arul, Govt Advocate (Crl.Side)

ORDER

The petitioners herein are the accused in C.C.No.9108 of 2004 on the file of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai. After trial, by judgment dated 08.12.2008 the Trial Court convicted the petitioners/accused for the offences under Sections 448, 341 & 323 IPC and sentenced to pay a fine of Rs.500/- each, in default to undergo simple imprisonment for two weeks, for the offence under Sections 448 IPC and to pay a fine of Rs.500/- each in default to undergo simple imprisonment for two weeks under Section 341 IPC and to undergo simple imprisonment for three months each under Section 323 IPC. On appeal, the first appellate Court has confirmed the conviction of the petitioner; however modified the sentence imposed by the Trial Court under Section 323 IPC from three months simple imprisonment to one month simple imprisonment alone. Aggrieved over the same, the petitioner has filed the present revision.

2.Today, when the matter is taken up for hearing, the learned counsel for the petitioners has confined his argument only to the sentence imposed on the petitioners/accused.. It is the contention of the learned counsel for the petitioners that it is purely family dispute and the petitioners/accused attacked the defacto-complainant only with the hands and it is without any intention. Further, the 1st petitioner is aged 50 years and the petitioners 2 & 3 are aged 45 years and 4th petitioner was aged 27 years. Thus, the learned counsel for the petitioners/accused submitted that the sentence may be modified to the period already undergone by the petitioners.

3.The learned Government Advocate (Crl.Side) has no serious objection in modifying the sentence.

4.Taking into consideration that there is no serious injuries to the victims and the petitioners/accused gave blows on the victims with their hands and legs; the dispute is only between the family members; the fine amount has also been paid by the petitioners; the the maximum sentenced imposed on the petitioners is only one month simple imprisonment, this Court is of the view that it would suffice to modify the sentence to the period already undergone.

5.Accordingly, the conviction imposed on the petitioners by the Courts below is confirmed; however, the sentence of one month simple imprisonment imposed on the petitioner under Section 323 IPC by the appellate Court alone is further modified to the period already undergone by the petitioners.

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

-s/d-

Assistant Registrar(CSIII)
dt:5/10/2015

True Copy
सत्यमेव जयते

Sub-Assistant Registrar

ssv

WEB COPY

To

1.The Additional District and Sessions Judge (FTC-2),
Chennai.

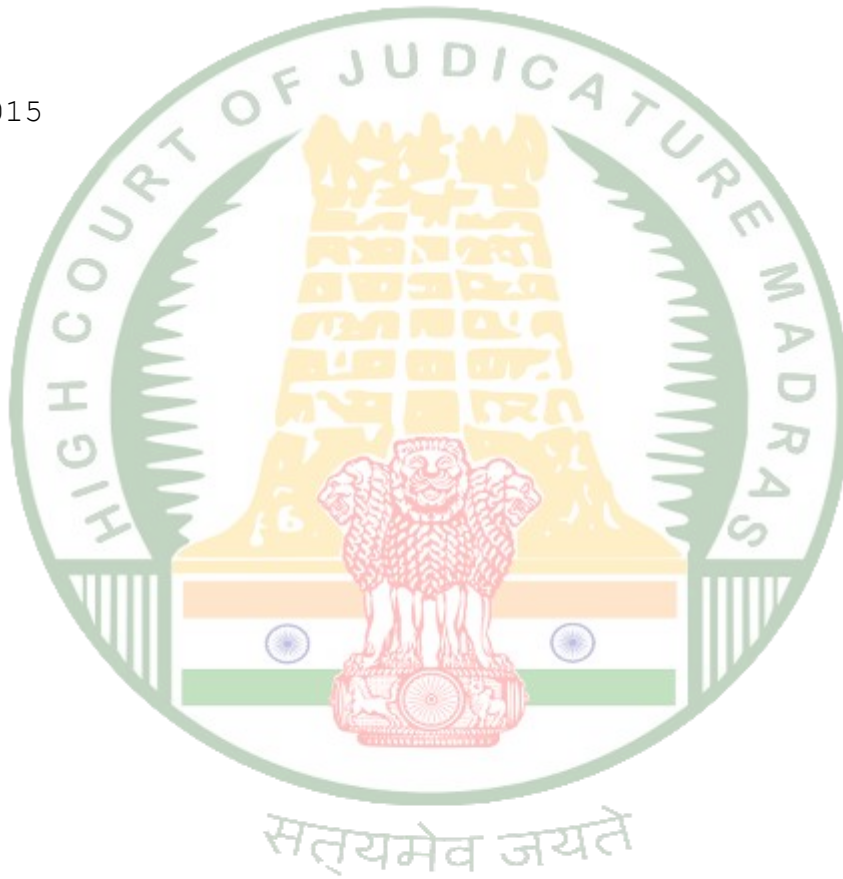
2.The XVIII Metropolitan Magistrate, Saidapet,
Chennai.

3.The Public Prosecutor High Court Madras

+1 cc to Mr.E.C.Murali Advocate sr.47264

Crl.R.C.No.1091 of 2009

vsn(co)
aa07/10/2015



WEB COPY