

BAIL SLIP

The Petitioner/Accused namely Vijayakumar, S/o.Selvaraj, was directed to be released on bail as per the order of this court dated 9.4.2010, in Crl.M.P.No.2 of 2010, in Crl.R.C.No.356/2010 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

CRL. R.C. No. 356 of 2010

Vijayakumar ... Petitioner/Accused
Versus

State
represented by Station House Officer
T.R.Pattinam
Puducherry State
(Cr.No.53 of 2005) .. Respondent /Complainant

Criminal Revision Case filed under Section 397 read with 401 of the Criminal Procedure Code, against the Judgment dated 23.02.2010 passed in Crl.A. No. 8 of 2009 on the file of the Additional Sessions Judge, Puducherry at Karaikal, confirming the order passed in C.C. No.80 of 2005 dated 07.09.2009, on the file of the Judicial Magistrate No.II at Karaikal.

For Petitioner : Mr.R.Sankarasubbu

For Respondent : Mr.M.R.Thangavelu
Government Advocate (Puducherry)

ORDER

The defacto complainant has given a complaint alleging that the petitioner/accused under the guise of marrying her had sexual intercourse with her and later refused to marry her. The complaint was taken on file in C.C.No.80 of 2005 on the file of the Judicial Magistrate No.II, Karaikal. After trial, the Trial Court by judgment dated 07.09.2009 convicted the petitioner under Section 417 I.P.C. and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.1000/-, in default to undergo simple imprisonment for one month. Aggrieved against the same, the accused has preferred Crl.A.No.8 of 2009 on the file of the Additional Sessions Judge, Puducherry at Karaikal. The Appellate Court, by judgment dated 23.02.2010, confirmed the order passed by the Trial Court. Aggrieved against the same, the present Criminal Revision Case is filed.

that he is not arguing the matter on merits but he is confining his argument only on the question of sentence imposed on the petitioner/accused by the Appellate Court. He would further submit that the petitioner is a sole breadwinner of the family and that the defacto complainant was married to another person and she got settled separately. He would further submit that the petitioner has already undergone imprisonment for 1 ½ months and he has also paid the fine amount and hence, he prayed for showing leniency in reduction of sentence to the effect that the period already undergone may be held sufficient.

3. I heard Mr.M.R.Thangavelu, learned Government Advocate (Puducherry) appearing for the respondent, who on instructions would submit that insofar as to the reduction in sentence is concerned, he leaves it to the discretion of the Court.

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

5. Taking into consideration of the fact that the petitioner is the sole breadwinner of the family and that the defacto complainant was married to another person and she got settled separately, apart from that, the petitioner has already undergone imprisonment for 1 ½ months and further the fact that the learned counsel appearing for the petitioner is not arguing the matter on merits but he is confining his argument only on the question of sentence imposed on the petitioner 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 petitioner/accused 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 petitioner/accused. 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 petitioner 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/-

Assistant Registrar

True Copy

Sub Assistant Registrar

paa
To

1. The Station House Officer
<https://hcservices.ecourts.gov.in/hcservices/>
T.R.Pattinam
Puducherry State.

2.The Additional Sessions Judge,
Puducherry at Karaikal.

3.The Judicial Magistrate No.II
at Karaikal.

4.The Chief Judicial Magistrate
Puducherry.

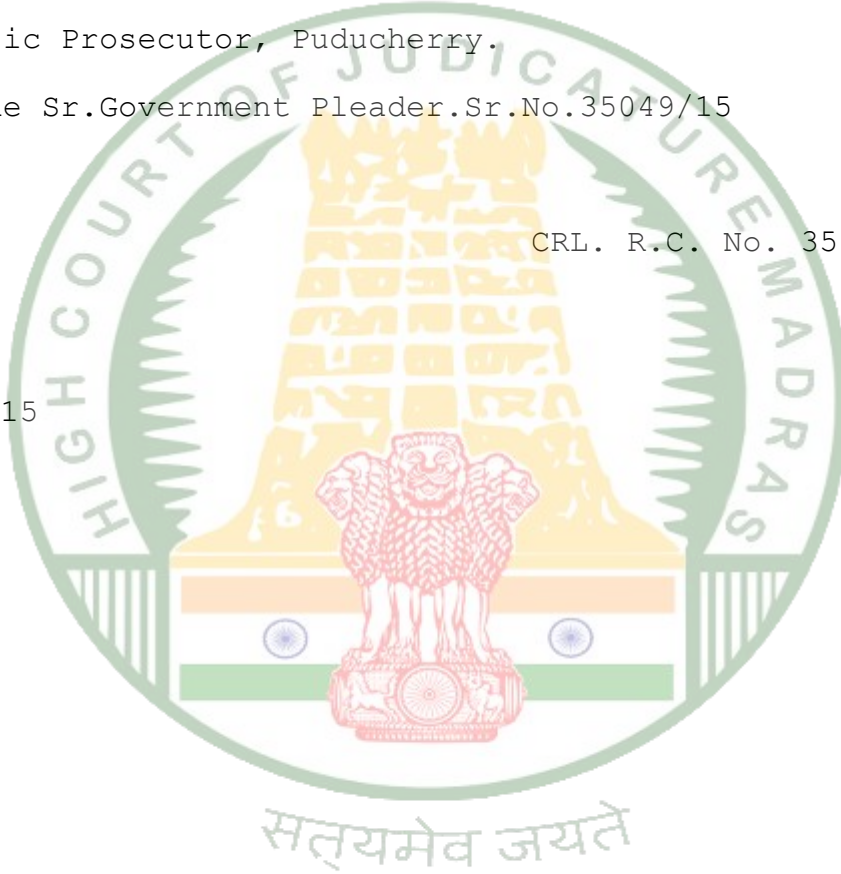
5.The Superintendent of Central Prison,
Puducherry.

6.The Public Prosecutor, Puducherry.

1 cc to The Sr.Government Pleader.Sr.No.35049/15

CRL. R.C. No. 356 of 2010

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pmk.4.8.2015



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