

BAIL SLIP

The Petitioner/Accused viz., Murugan, S/o.Subramani/Accused was directed to be released on bail if and by the order of this Court dated 6.5.2009 and made in M.P.No.1 of 2009 in Crl.R.C.No.4270 of 2009.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2015

CORAM:

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

CRL. R.C. No. 427 of 2009

& M.P.No.2 of 2009

Murugan

.. Petitioner

Versus

State by
Inspector of Police
Kallavi, Singarapettai Police Station
Uthankarai Taluk
Krishnagiri District
(Cr.No.261 of 2006)

.. Respondent

Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code, against the Judgment dated 02.12.2008 passed in Crl.A.No. 103 of 2007 on the file of the Additional Sessions Judge, Krishnagiri, confirming the judgment of conviction and sentence dated 31.08.2007 passed in S.C. No.273 of 2006 on the file of the learned Judicial Magistrate-1, Dharmapuri.

For Petitioner : Mr.V.Nicholas

For Respondent : Mr.V.Arul

Government Advocate (Crl.Side)

ORDER

On the basis of the complaint given by the defacto complainant a case was registered against the petitioner/accused in Cr.No.261 of 2006. The Trial Court proceeded with the case. Ultimately, after trial, the Trial Court convicted the accused under Section 307 of IPC and sentenced to undergo rigorous imprisonment for three years and to pay a fine of Rs.2,000/-, in default to undergo rigorous imprisonment for three months. Aggrieved by the same, the accused preferred Crl.A. No. 103 of 2007 before the learned Additional Sessions Judge, Krishnagiri, and the same were dismissed by the Appellate Court, confirming the judgment of conviction and sentence imposed on the accused by the Trial Court. Aggrieved against the same, the petitioner has filed the present Criminal Revision Case.

2. The case of the prosecution is that the accused who is the husband of P.W.1 had quarreled with P.W.2, who is the father of P.W.1. Due to previous enmity between the defacto complainant and the mother of the accused in respect of their marriage, a wordy quarrel developed and the prior to the date of occurrence the accused mother assaulted P.W.1's child. P.W.1 questioned the accused mother and left the matrimonial house and sheltered in her parents house. On the date of occurrence, accused raised quarrel with P.W.2 and assaulted him with knife and abused him with filthy language. Hence, the defacto complainant gave complaint, based on which, a case has registered against the accused for offence mentioned above.

3. Today, when the matter is taken up, Mr.Senthil, learned counsel appearing for the petitioner/accused would contend that the dispute is between the son-in-law and the father-in-law. Subsequently, due to the intervention of the elders in the family, some compromise had been arrived at between the parties. He would further add that the parties are all close relatives and that the accused is repenting for the offence committed by him. He would further add that the accused had already undergone 55 days of sentence. At this point of time, learned counsel would submit that only to have a peaceful relationship with the otherside, he would plead 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 by the Courts below and therefore, he prayed for showing leniency in reduction of sentence to the effect that the period already undergone may be held sufficient.

4. I heard Mr.V.Arul, learned Government Advocate (Crl.side) appearing for the respondent, who on instructions would confirm that the accused have undergone 55 days of imprisonment. He would however submit that the injury caused by the P.W.2 is grievous in nature, therefore, the Trial Court has come to the conclusion finding the accused guilty of the offences and convicted and sentenced him to undergo imprisonment as stated supra. He would also state that the accused has no previous case and he is maintaining proper behavior while he was in jail. As far as the reduction in sentence is concerned, he leaves it to the discretion of the Court.

5. Heard both sides.

6. Taking into consideration the fact that the dispute is between the family members and the petitioner/accused is repenting for the offence committed by him, and having regard to the fact that the petitioner/accused has already undergone sentence for a period of 55 days and that the parties have arrived at a settlement and the petitioner/accused 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 Courts below, the sentence alone is reduced to the period already undergone by the petitioner/accused.

7. With the above modification in sentence, this Criminal Revision Case is partly allowed. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

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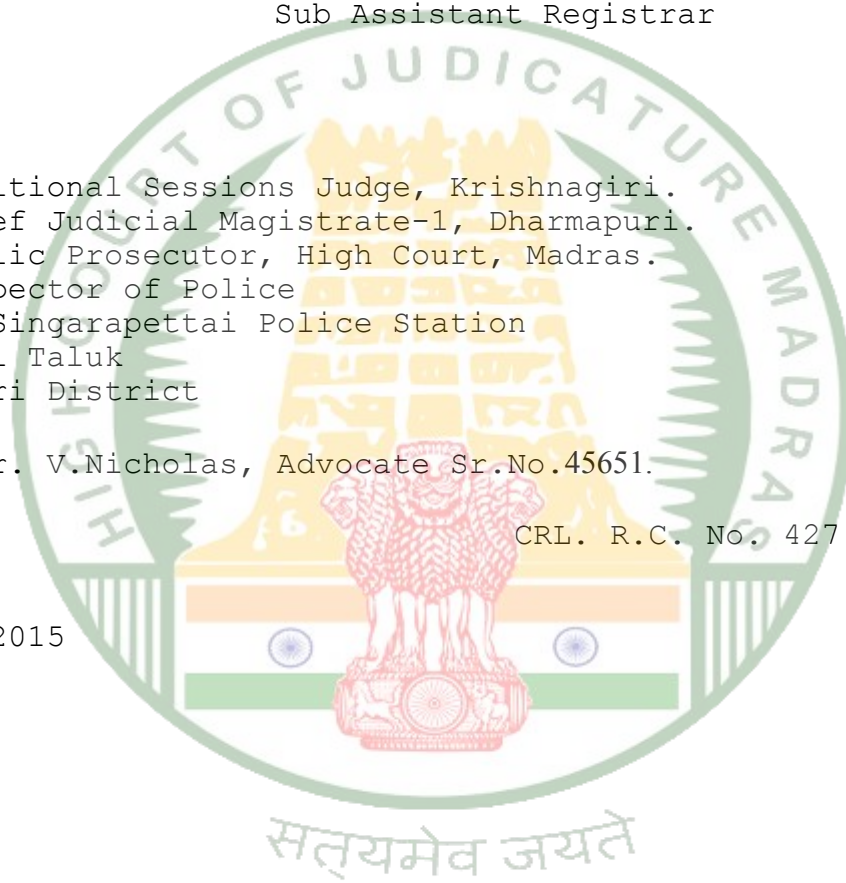
To

1.The Additional Sessions Judge, Krishnagiri.
2.The Chief Judicial Magistrate-1, Dharmapuri.
3.The Public Prosecutor, High Court, Madras.
4.The Inspector of Police
Kallavi, Singarapettai Police Station
Uthankarai Taluk
Krishnagiri District

1 cc to Mr. V.Nicholas, Advocate Sr.No.45651.

CRL. R.C. No. 427 of 2009

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