

BAIL SLIP

The Petitioner/Accused namely M.Ravi be and hereby was directed to be released on bail dated 27/5/2009 vide MP.NO.1/2009 in CrI.RC.NO.501/09

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02-09-2015

Coram

THE HON'BLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No. 501 of 2009

M.Ravi .. Petitioner

Versus

State rep. by
The Sub-Inspector of Police
All Women Police Station, Ponneri
Cr.No.1 of 1999 .. Respondent

Criminal Revision Case filed under Sections 397 and 401 of Cr.P.C. against the judgment of conviction and sentence passed in C.A.No.6 of 2008 on the file of the Additional District Judge, Fast Track Court No.IV, Ponneri, dated 12.05.2009, confirming the judgment of conviction and sentence passed in C.C. No. 433 of 1999 on the file of the Judicial Magistrate No.I, Ponneri, dated 10.04.2008.

For Petitioner : Mr. K.Kannan

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

O R D E R

The case of the prosecution is that the petitioner/husband along with his parents, brother and others, who were arrayed as accused Nos.1 to 11, have demanded dowry from the defacto complainant and subjected her to cruelty. On the basis of the complaint lodged by the defacto complainant, a case in Crime No.1 of 1999 was registered by the respondent police against all the accused for the alleged offences under Sections 498-A, 406, 494 IPC and Section 4 of Dowry Prohibition Act read with Section 149 IPC. The case was taken on file in C.C.No.433 of 1999 on the file of the Judicial Magistrate No.I, Ponneri. After trial, the Trial Court by judgment dated 10.04.2008 convicted the petitioner/accused No.1 under Section 498-A

I.P.C. and sentenced to undergo six months imprisonment and to pay a fine of Rs.1,000/-, in default to undergo one month imprisonment. The Trial Court has acquitted accused Nos. 2 to 11 from all the charges levelled against them. Aggrieved against the same, the petitioner/accused No.1 has preferred Crl.A.No.6 of 2008 before the Additional District Judge, Fast Track Court No.IV, Ponneri. The Appellate Court, by judgment dated 12.05.2009, has confirmed the judgment of conviction and sentence passed by the Trial Court. Aggrieved against the same, the present Criminal Revision Case is filed.

2. Today, when the matter is taken up, Mr.K.Kannan, learned counsel appearing for the petitioner/accused No.1 would submit 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 No.1 by the Appellate Court. He would further submit that the petitioner is now aged 47 years and he is the sole breadwinner of the family. He would further submit that the defacto complainant/ wife has already remarried. He would further point out that the children, who were born to them, were married and they were settled in life. He would further add that the petitioner/accused No.1 has already undergone imprisonment for few days in two occasions, viz., after registration of the First Information Report, he was arrested and was in jail for few days, pursuant to which, after the judgment of conviction and sentence was passed by the Trial Court and the same came to be confirmed by the Appellate Court on 12.05.2009 he was arrested and was in jail, till he preferred the revision and suspension was granted by this Court on 27.05.2009. He would further contend that the petitioner has 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.V.Arul, learned Government Advocate 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 few days on two occasions viz., after registration of the First Information Report, he was arrested and was in jail for few days, pursuant to which, after the judgment of conviction and sentence was passed by the Trial Court and the same came to be confirmed by the Appellate Court on 12.05.2009 he was arrested and was in jail, till he preferred the revision and suspension was granted by this Court on 27.05.2009 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 No.1 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 No.1. 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.

-s/d-

Assistant Registrar(CSII)
dt:21/9/2015

True Copy

Sub-Assistant Registrar

paa
To

1.The Additional District Judge,
Fast Track Court-IV
Ponneri

2.The Judicial Magistrate No.I
Ponneri

3.The Sub-Inspector of Police
All Women Police Station,
Ponneri

4.The Chief Judicial Magistrate, Thiruvallur

5.The Superintendent Central Prison,
Puzhal Chennai

6.The Public Prosecutor High Court Madras
+1 cc to Mr.K.Kannan Advocate sr.47221

Cr1.R.C.No. 501 of 2009

aa21/09/2015