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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2015

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

Crl. R.C. No. 61 of 2010

C.Isrel

... Petitioner

Versus

State
represented by
The Inspector of Police
K2, Ayanavaram Police Station
Chennai.

... Respondent

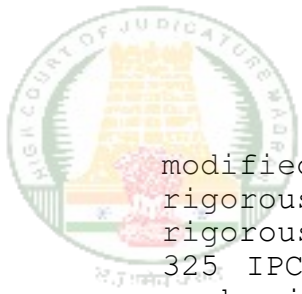
Criminal Revision Case filed under Sections 397 and 401 of the Criminal Procedure Code against the Judgment of conviction and sentence passed in Crl.A.No.74 of 2009 on the file of the II Additional Sessions Judge, Chennai, dated 12.01.2010, modifying the judgment of conviction and sentence made in C.C.No.1818 of 2007 on the file of the V Metropolitan Magistrate, Egmore, Chennai, dated 21.04.2009.

For Petitioner : Mr.Arasu Ganesan

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

ORDER

The petitioner stood charged for the offences punishable under Sections 341 and 325 IPC, alleging that on 20.12.2006 at about 3.30 a.m., the accused demanded a sum of Rs.50/- as handloan from the defacto complainant, when the same was refused, the accused is alleged to have attacked the defacto complainant with hands on his mouth and chin. After trial in C.C.No.1818 of 2007, by judgment dated 21.04.2009, he was convicted by the learned V Metropolitan Magistrate, Egmore, Chennai, for the aforesaid offences and sentenced him to undergo one year rigorous imprisonment with fine of Rs.5,000/-, in default, to undergo rigorous imprisonment for six months for the offence under Section 325 IPC and to pay a fine of Rs.300/-, in default, to undergo one week simple imprisonment for the offence under Section 341 IPC. The learned II Additional Sessions Judge, Chennai, by judgment in Crl.A.No.74 of 2009, dated 12.01.2010, confirmed the conviction and the sentence alone is



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modified to the effect that the petitioner shall undergo six months rigorous imprisonment with fine of Rs.5,000/-, in default, to undergo rigorous imprisonment for three months for the offence under Section 325 IPC and to pay a fine of Rs.300/-, in default, to undergo one week simple imprisonment for the offence under Section 341 IPC. As against the same, this Criminal Revision Case is filed.

2. Today, when the matter is taken up, Mr.Arasu Ganesan, learned counsel appearing for the petitioner/accused 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 by the Appellate Court. He would further submit that the petitioner is now aged 34 years and he is the sole breadwinner of the family. He would further add that the petitioner/accused 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 and pursuant to which, after the modification of the judgment of conviction and sentence passed by the Appellate Court on 12.01.2010, he was arrested and was in jail, till he preferred the revision and suspension was granted by this Court on 20.01.2010. 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, 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 and pursuant to which, after the modification of the judgment of conviction and sentence passed by the Appellate Court on 12.01.2010, he was arrested and was in jail, till he preferred the revision and suspension was granted by this Court on 20.01.2010 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 by imposing some amount as compensation. Accordingly, while confirming the conviction imposed by the Appellate Court, the sentence alone is reduced to the



period already undergone by the petitioner/accused, however, on condition that the petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) as compensation directly to the defacto complainant within a period of four weeks from the date of receipt of a copy of this order, failing which, it is made clear that the judgment passed by the Appellate Court shall stand revived and the defacto complainant is at liberty to approach the Trial Court, which shall take steps to secure the accused to undergo the remaining period of sentence. 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.

5. With the above modification in sentence, this Criminal Revision Case is partly allowed.

-s/d-
Assistant Registrar(CSIV)
dt:30/9/2015

True Copy

Sub-Assistant Registrar

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To

1. The Inspector of Police
K2, Ayanavaram Police Station
Chennai.
- 2.The II Additional Sessions Judge,
Chennai.
- 3.The V Metropolitan Magistrate,
Egmore, Chennai.
4. The Public Prosecutor
high Court Madras-104

Cr1.R.C.No.61 of 2010

aa05/10/2015