

Bail Slip:- That the Appellant herein/sole Accused viz., Narayanasamy S/o. Chidambaram was directed to be released on bail as per order dated 24.6.2008 in M.P.No.1 of 2008 in CrI.R.C.No.776/2008 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.6.2015

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

CrI.R.C.No.776 of 2008

Narayanasamy : Petitioner

versus

State by Inspector of Police,
All Women Police Station,
Anna Nagar, Chennai 40 : respondent

Revision filed against the order in C.A.No.236 of 2006 dated 30.4.2008 on the file of the Addl. District and Sessions Judge cum V F.T.C., Chennai.

For petitioner : Mr.Sai, for M/s.Sai Bharath Illan

For respondent : Mr.V.Arul, Government Advocate

O R D E R

The petitioner was tried in C.C.No.18036/2004, on the file of the Chief Metropolitan Magistrate, Egmore, Chennai, and he was convicted for offence under section 498-A IPC and sentenced to undergo 6 months rigorous imprisonment and imposed a fine of Rs.1000/- in default, to undergo one month simple imprisonment; he was also convicted under Section 406 IPC and sentenced to undergo 6 months rigorous imprisonment and to pay a fine of Rs.1000/- in default, to undergo one month simple imprisonment.

2. Aggrieved by the said order, he preferred an appeal in C.A.No.236 of 2006, before the Additional District Sessions Judge, Fast Track Court, Chennai, who upheld the conviction and sentence imposed on the petitioner and dismissed the appeal. Challenging the same, the present revision has been filed.

3. Inasmuch as two courts have already gone into the facts and given concurrent findings holding the accused guilty, it may

not be necessary for me to go into the facts and circumstances of the case again. Moreover, this court sitting in revision is called upon to satisfy itself with the correctness, legality and propriety of the orders passed by the courts below, and not to re-appraise the evidence. The case of the prosecution in brief is as follows:-

"a) The petitioner and the defacto complainant were married on 6.9.2000. He was an alcoholic. Ever since the day of marriage, the petitioner demanded more dowry and harassed the defacto complainant in many ways. Unable to bear the harassment, the defacto complainant laid a complaint before the respondent police.

b) A case was registered against the petitioner and tried in C.C.No.18036 of 2004 on the file of the Chief Metropolitan Magistrate, Egmore, and the petitioner were convicted as aforesaid."

4. After making some elaborate arguments, the learned counsel for the petitioner confined his arguments with regard to sentence alone. The learned counsel submitted that the lower Court has awarded 6 months rigorous imprisonment for 498-A IPC and 406 IPC, to run concurrently. The petitioner has been acquitted of offence under Section 4 of Dowry Prohibition Act. The learned counsel submitted that the petitioner has already undergone sentence of one month rigorous imprisonment. The petitioner was only 27 years old at the time of the incident and he is repenting for his actions. He is the sole breadwinner of the family and therefore, the learned counsel prays for leniency to be shown in the quantum of sentence.

5. The learned Government Advocate (Criminal Side) fairly submitted that the sentence could be reduced to two months rigorous imprisonment.

6. On going through the entire materials placed on record, it is seen that the petitioner was only 27 years at the time of occurrence and he is repenting for his actions. Therefore, while confirming the conviction, sentence alone is reduced to a period of two months rigorous imprisonment.

7. The revision is disposed of accordingly. Bail bonds shall stand cancelled.

7. The court below is directed to secure the custody of the petitioner and make him to undergo the remaining part of the sentence.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

tar

To

- 1.The Chief Metropolitan Magistrate, Egmore.
- 2.The Addl. District and Sessions Judge cum V F.T.C., Chennai.
- 3.The Inspector of Police,
All Women Police Station,
Anna Nagar, Chennai 40
- 4.The Public Prosecutor, Madras

1 cc to M/s.Sai Bharath Ilan, Advocate, Sr. 29920

Cr1.R.C.No.776 of 2008

RJ (CO)
kk 14/7

सत्यमेव जयते

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