

BAIL SLIP

The Appellant i.e., Saraswathi, in Criminal Revision Case No.864/008 (8th Accused in CA.No.265/07 on the file of the Additional District Court/Fast Track Court No.I, Erode) was directed to be released on bail vide order of this Court dt.26.6.08 made in Crl.MP.No.1/08 in Crl.RC.No.864/08.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.864 of 2008

Saraswathi .. Petitioner/ Appellant/Accused No.8

Versus

Savithri .. Respondent/Respondent/Complainant

Criminal Revision case filed under Sections 397 and 401 of Cr.P.C. against the Judgment dated 16.04.2008 passed by the learned Additional District Judge/ Fast Track Court No.I, Erode in C.A.No.265 of 2007 modifying the conviction and sentence imposed by the learned District Munsif cum Judicial Magistrate, Perundurai in C.C.No.29 of 2003 dated 29.11.2007.

For Petitioner : Mr.N.Manokaran

For Respondent : Mr.V.Kadhirvelu

ORDER

The petitioner is arrayed as A8 in C.C.No.29 of 2003 on the file of the learned District Munsif cum Judicial Magistrate, Perundurai and she has been convicted for the offence under Section 494 IPC r/w 109 IPC and was sentenced to undergo simple imprisonment for a period of three months and to pay a fine of Rs.5000/-, in default, to undergo simple imprisonment for one month. As against the conviction and sentence imposed, the petitioner filed Crl. Appeal No.265 of 2007, in which the first appellate Court by judgment dated 16.04.2008 modified the same into one of simple imprisonment for a period of one month. Aggrieved by the same, the present Criminal Revision Case is filed.

2. The case of the complainant in brief is as follows:

On 25.12.2002 at about 8.00 a.m the first accused being the husband of the complainant has married A2 for the second time and in that process, A3 to A8, being the relatives of A1 and A2 helped them in the conduct of the marriage. Hence, the complaint.

3. Learned counsel for the revision petitioner would submit that the only allegation levelled against this petitioner is that she gave the garlands to A1 and A2. According to her, separate appeals were preferred by each of the accused. However, when all the other appeals were pending before the Court below, the appeal preferred by the petitioner alone has been separated and orders have been passed. Hence, this revision.

4. When the matter is taken up today, the learned counsel for the petitioner would submit that pending this revision, the appeal preferred by A1 in this matter in C.A.No.252 of 2007 was disposed of by the learned II Additional District Judge, Erode vide order dated 16.12.2014 based on the settlement arrived at between the parties before the National Mega Lok Adalat held at Erode on 06.12.2014 and also acquitted him. When that being so, the petitioner would claim equality in the matter and pray for setting aside the conviction and sentence ordered as against the petitioner, who is arrayed only as A8. In this regard, the learned counsel also produced the copy of the order passed by the learned II Additional District Judge, Erode in acquitting A1 along with the settlement entered into between A1 and the complainant before the National Mega Lok Adalat.

5. Learned Counsel appearing on behalf of the respondent/complainant also agreed that based on the settlement arrived at between the parties, the complainant has withdrawn the complaint itself.

6. I have heard the learned counsel on either side and perused the records and also the copy of the order passed by the learned II Additional District Judge, Erode along with the settlement arrived at between the parties before the National Mega Lok Adalat, Erode.

7. Considering the fact that the petitioner being a lady, that the only allegation made against her, who is arrayed as A8, is that she handed over garland to the marriage party; that no specific overt act is made out and in view of the settlement arrived at between the parties, the very complaint itself has been withdrawn by the complainant and that the learned Judge also acquitted A1 in this matter, I am inclined to set aside the judgments passed by the Courts below in convicting the petitioner. Consequently, the sentence imposed by the first appellate court to undergo one month simple imprisonment is set aside. The petitioner/A-8 is acquitted of all the charges levelled against her.

8. In the result, this Criminal Revision Case is allowed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

2. The District Munsif cum Judicial Magistrate, Perundurai
3. The Chief Judicial Magistrate, Erode.
4. The Public Prosecutor, Madras.

+1 cc to Mr.N.Manokaran, Advocate Sr.32341.

gj(co)
krd 23/7

Cr1 RC No.864 of 2008



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