

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

CRL. RC. No.982 of 2008

K.Mani

.. Petitioner

Versus

State rep. by the
Inspector of Police
Vellore Taluk Police Station
Vellore, Vellore District

... Respondent

Petition filed under Sections 397 read with 401 of the Criminal Procedure Code, against the Judgment dated 09.07.2008 passed in Crl.A. No.19 of 2006 passed by the learned Additional District and Sessions Judge (Fast Track Court No.II) Ranipet modifying the order dated 02.03.2006 passed by the learned Judicial Magistrate No.1, Vellore in C.C. No. 171 of 2002.

For Petitioner : Mr.D.Rajagopal

For Respondent : Mr.R.Prathap Kumar
Government Advocate (Crl.side)

ORDER

On the basis of the complaint given by the defacto complainant, charge sheet was filed by the respondent-police against the petitioner and one other accused for the alleged offences punishable under Sections 326, 323 and 294(B) IPC. Ultimately, after trial, the trial Court convicted the petitioner herein/accused for the offences punishable under Section 324 of IPC and sentenced him to undergo six months rigorous imprisonment and to pay a fine of Rs.1,000/-, in default to undergo three months rigorous imprisonment. The trial Court acquitted A2 from the offences alleged. Aggrieved by the same, the petitioner/A1 filed Crl.A.No.19 of 2006 before the learned Additional District and Sessions Judge (Fast Track Court No.II) Ranipet and the same was dismissed with the only modification by reducing the sentence imposed on the accused by the trial court from six months rigorous imprisonment into three months rigorous imprisonment. Aggrieved by the order passed by the first appellate court, the petitioner, who is arrayed as A1 before the trial court, has filed the present Criminal Revision Case.

2. The case of the prosecution is due to previous enmity with regard to money transaction between the son of the defacto complainant and the accused persons, the petitioner assaulted the defacto complainant with a bamboo stick and uttered obscene words against her, who is aged 75 years. In this context, the defacto complainant had given a complaint based on which the accused were proceeded with for the offences as mentioned above.

3. The learned counsel appearing for the petitioner did not argue on merits but confined his argument only on the question of sentence imposed on the petitioner by the Courts below. The learned counsel for the petitioner submits that the petitioner had already undergone imprisonment for a period of 21 days. In fact, soon after the first appellate Court passed the judgment in Criminal Appeal No.19 of 2006 on 09.07.2008, the petitioner was committed to prison on the same day and only during the pendency of the criminal revision case, the petitioner was granted bail. He would also submit that the petitioner/accused has paid the fine amount also. Presently, the petitioner is 63 years old and therefore, the learned counsel for the petitioner prayed for showing leniency in reduction of sentence.

4. I heard the learned Government Advocate (Criminal side) appearing for the respondent State and perused the materials on record.

5. The trial court convicted the petitioner/A1 for the offences punishable under Section 324 of IPC and sentenced to undergo six months rigorous imprisonment and also to pay a fine amount of Rs.1,000/-, in default, to undergo three months rigorous imprisonment. Such imprisonment was reduced by the appellate Court into three months rigorous imprisonment. Taking into consideration the submission of the counsel for the petitioner, the fact that the petitioner is aged 63 years and that he had undergone sentence for a period of 21 days and has also paid the fine amount, I am of the view that some leniency can be shown to the petitioner 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.

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

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

vj2

To

1. The Additional District and Sessions Judge (FTC-II)
Ranipet.

2. The Judicial Magistrate No.I, Vellore

+1cc to M/S D.Rajagopal, Advocate SR.NO.21313

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PPA(CO)
rvr 20/05/2015



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