



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

Crl.A(MD)No.248 of 2014

A.Mariappan

... Revision Petitioner/Defacto
Complainant/P.W.1

Vs.

1.The Inspector of Police,
Ambasamuthram Police Station,
Under Crime No.204 of 2010

...Respondent No.1/Complainant

2.S.Kandasamy

3.Mahadevan @ Mahesh

4.Mahesh

5.Velu @ Sernavelu

6.Gomathi Shankar

7.Mariappan

... Respondents 2 to 7/A1 to A6

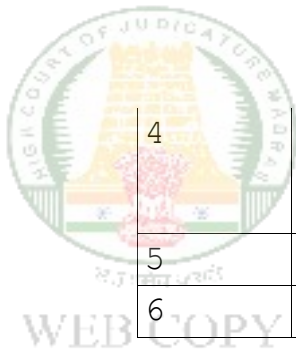
PRAYER: Criminal Appeal filed under Section 374(2) of Cr.P.C.
against the acquittal passed in S.C.No.88 of 2011 dated 10.01.2012,
by the Sessions Court/Mahila's Court, Tirunelveli District.

For Appellant : Mr.R.Anand
For R1 : Mr.C.Ramesh
Additional Public Prosecutor
For R2 to R7 : Mr.Prabhu

J U D G M E N T

The appellant is the defacto complainant in S.C.No.88 of 2011 on the file of the learned Sessions-cum-Mahila Judge, Tirunelveli. The respondents 2 to 7 are the accused in the case. As many as 6 charges have been framed in this case as follows:

Charge Nos.	Offence U/s.	Accused Nos.
1	147 IPC	3 to 5
2	148 IPC	1, 2 and 6
3	148 IPC	1 to 5



4	3(1)Tamilnadu Public Property (Prevention of Damage and Loss) Act, 1992	1 to 5
5	307 IPC	1 and 2
6	506(ii) IPC	1 to 6

The trial Court, by judgment dated 10.01.2012, acquitted all the accused. Challenging the same, the appellant / defacto complainant is before this Court with this appeal.

2. I have heard Mr.R.Anand, learned counsel appearing for the appellant, Mr.Prabhu, learned counsel appearing for the respondents 2 to 7 and Mr.Ramesh, learned Additional Public Prosecutor appearing for the State. I have also perused the records carefully.

3. When the appeal was taken up for hearing, the learned counsel appearing for the appellant submitted that the appellant does not press this appeal since the parties have come to an understanding, thereby they have forgotten the bitter past. As a matter of fact, the appellant has also made an endorsement that he does not press this appeal. The respondents 2 and 6, who were present before this Court, have also made an endorsement stating that they have forgotten the bitter past. The appellant is a practising Advocate and a member of Ambasamudram Bar and the respondents 2 and 6 are also Advocates and they are also members of Ambasamudram Bar.

4. The learned counsel for the appellant would submit that in paragraph No.14 of the judgment of the trial Court, there is an observation that the appellant had admitted during cross examination that he had outraged the modesty of a woman and as a result, she committed suicide and in respect of the said occurrence, on the complaint of her brother, a case was registered and the same was under investigation. The learned counsel would submit that the appellant did not make any such admission during cross examination.



This part may be expunged.

5. Having regard to the fact that the parties have settled the issue outside the Court and since the appellant has not pressed this appeal, accepting the said plea made, this appeal is dismissed as not pressed. Further, the remarks made in the judgment of the trial court in paragraph No.14 as stated herein above is hereby expunged.

Sd/-

ASSISTANT REGISTRAR (T&P)

/ TRUE COPY /

SUB ASSISTANT REGISTRAR

To

- 1.The Sessions Court/Mahila's Court, Tirunelveli District.
- 2.The Inspector of Police, Ambasamuthram Police Station,
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.R.Anand Advocate SR No.39106

+1 cc to Mr.Prabhu, Advocate SR No.39126

Ses

SH:28.07.2015:P3/6C

Cr1.A(MD)No.248 of 2014
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