



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2015

CORAM:

THE HONOURABLE MRS.JUSTICE S.VIMALA

WEB COPY

Criminal Revision Case (MD)No.520 of 2014

1.Jawaharlal
2.Baskar
3.Sekar
4.Kathaiyan
5.Maragathammal

.. Petitioners/Appellant/
Accused 1 to 5

Vs.

State;
rep. by Inspector of Police,
Kallaperambur Police Station,
Thanjavur District.
(Crime no.100 of 2013)

.. Respondent/Respondent/
Complainant

Revision is filed under Section 397 r/w 401 Cr.P.C. to call for the records of the learned Principal Sessions Judge, Thanjavur in CrI.A.No.40 of 2013 dated 28.03.2014, confirming the conviction verdict and sentence passed by the learned Judicial Magistrate No.II, Thanjavur in C.C.No.61 of 2007 dated 15.12.2012 on the petitioners for their respective offences except the offence under Section 147 IPC and modifying the sentence of fine imposed on the petitioners 1 to 5 for the offence under Section 147 IPC from Rs.3,000/- each to Rs.2,000/- each and set aside the Judgements of the Courts below and acquit the petitioners.

For Petitioners : Mr.S.Rajaprabu
For Respondent : Mr.P.Kandasamy
Government Advocate (crl. side)

ORDER

The Sub-Inspector of Police, Kallaperambur Police Station, Thanjavur District, investigated the case pertaining to Crime No.100 of 2003 and filed a final report against these accused persons. After trial, the first accused was found guilty under Sections 147 and 323 IPC. In respect of the offence under Section 147 IPC, a fine of Rs.3,000/- was imposed, and on failure of payment, four weeks simple imprisonment has been ordered as a ~~default sentence~~. In respect of the offence under Section 323 IPC, a fine of Rs.1,000/- has been imposed with a default sentence of one week.



2. So far as the second accused is concerned, he was found guilty under Sections 147 and 323 (two counts) IPC and in respect of the offence under Section 147 IPC, a fine of Rs.3,000/- has been imposed, failing which, four weeks simple imprisonment has been ordered. In respect of the offence under Section 323 (two counts) IPC, a fine of Rs.1,000/- each, has been imposed with a default sentence of one week.

3. So far as the third accused is concerned, he was found guilty under Sections 147 and 323 IPC and in respect of the offence under Section 147 IPC, a fine of Rs.3,000/- has been imposed, failing payment, four weeks simple imprisonment has been ordered. In respect of the offence under Section 323 IPC, a fine of Rs.1,000/- has been imposed with a default sentence of one week.

4. So far as the fourth accused is concerned, he was found guilty under Sections 147 and 354 IPC and in respect of the offence under Section 147 IPC, a fine of Rs.3,000/- has been imposed, failing which, four weeks simple imprisonment has been ordered. In respect of the offence under Section 354 IPC, a fine of Rs.500/- has been imposed with a default of one week.

5. So far as the fifth accused is concerned, she was found guilty under Sections 147 and 355 IPC and in respect of the offence under Section 147 IPC, a fine of Rs.3,000/- has been imposed, failing which, one week simple imprisonment has been ordered. In respect of the offence under Section 355 IPC, a fine of Rs.500/- has been imposed with a default sentence of one week.

6. According to the case of the prosecution, when P.Ws.1 and 2 were putting up fence in their own property, the accused persons claiming that it is their own property picked up quarrel with them. The Court while considering the question of sentence, has considered the family circumstances of the accused persons as well as the age. There is also a finding that all the accused persons are first offenders. There is an observation that to give an opportunity to the accused to refine themselves, imposing fine alone, as punishment would meet the ends of justice.

7. The learned counsel for the revision petitioner would submit that even the imposition of fine would have an adverse consequences upon the carrier of the first petitioner Jawaharlal, as he is working in the Transport Corporation. On this representation and finding the grievance justified, this Court called for the report of the Probation Officer and the same is received.

<https://hcservices.ecourts.gov.in/hcservices/>

8. In that report, the Probation Officer has considered the entire social and family background of the first petitioner



Jawaharlal and has also recommended that it is a fit case for release under Probation of Offenders Act.

9. Accepting the Probation Officer's report, the first petitioner is ordered to be released on Probation and the first petitioner will be on probation for a period of one year. In other respects, the Judgment of the trial Court stands confirmed.

10. This Criminal Revision Petition is partly allowed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Principal District and Sessions Judge, Thanjavur.

2. The Judicial Magistrate No. II, Thanjavur.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO MR. S. RAJAPRABU, ADVOCATE IN SR NO. 51682

RJ2

TE/NGM-SS/ 01/10/2015 3P/5C

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