

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2016

CORAM

THE HONOURABLE MR. JUSTICE S. NAGAMUTHU
AND
THE HONOURABLE DR. JUSTICE P. DEVADASS

Criminal Appeal No. 251 of 2013

Amalan ..Appellant/Accused

Vs.

State rep. by
Inspector of Police,
P.6 Kodungaiyur Police Station,
Chennai. ..Respondent/Complainant

Prayer: Criminal Appeal u/s. 374 of Cr.P.C. as against the judgment dated 25.02.2013 passed in S.C. No. 446 of 2010 by the learned Sessions Judge, Chennai (Mahalir Neethimandram, Chennai) acquit and discharge the accused from the alleged offences and direct to refund the fine paid by the accused by allowing the appeal.

For Appellant :: Mr.J.I. Rajkumar Roberts

For Respondent :: Mr.M. Maharaja
Addl. Public Prosecutor

J U D G M E N T

(Judgment of the Court was delivered by S. NAGAMUTHU,J.)

The appellant is the sole accused in S.C. No. 446 of 2010 in the file of the learned Sessions Judge, Mahalir Needhi Mandram, Chennai. He stood charged for the offences under Sections 366(A), 342 and 376 I.P.C. By judgment dated 25.02.2013, the Trial Court convicted the accused under all the three charges and sentenced him to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.10,000/-, in default to undergo simple imprisonment for 6 months for the offence under Section 366(A) I.P.C., to undergo rigorous imprisonment for one year and to pay a fine of Rs.1000/-, in default to undergo simple imprisonment for one month for the offence under Section 342 I.P.C. and to undergo imprisonment for life and to pay a

fine of Rs.10,000/-, in default to undergo simple imprisonment for 6 months for the offence under Section 376 I.P.C. Challenging the said conviction and sentence, the appellant is before this Court with this appeal.

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

(i) The victim in this case, was hardly 17 years old, at the time of occurrence. (The name and identity of the victim is not mentioned in this judgment so as to preserve her modesty). She was studying in 12th standard in Don Bosco Matriculation Higher Secondary School. The accused was an English Teacher in the said school. During the year 2009, the accused told the parents of the victim to send her for tuition under him so that she could secure high marks in the Plus Two Examination. Accordingly, the parents of the victim allowed her to go for tuition class taken by the accused from the year 2009. On 05.01.2010, the victim did not go for tuition class or to school as she was running high temperature and she remained at home.

(ii) It is alleged that at about 2p.m., when she was on her way to a nearby shop, the accused came there in a motorcycle and intercepted her. The accused wanted the victim to come with him in the motorcycle. The victim refused to do so. But, the accused threatened her that he would kill her parents if she did not oblige to come with him. Due to the said threat, the victim (P.W.2) went along with him in the motorcycle. The accused took her to Vailankanni. In a Guest House, according to the prosecution, he booked a room where he stayed along with the victim. On the night of 05.01.2010 itself, in the Guest House, the accused had sexual intercourse with the victim by keeping her under threat. Out of fear, she also consented for the same. The whole night, the accused sexually exploited her. On the next day also, i.e, on 06.01.2010, he kept her in the same room and repeatedly had sexual intercourse with her. On 07.01.2010, he vacated the room and took the victim in the very same motorcycle to Pondicherry. At Pondicherry, again, he booked a room at Aurobindo Ashram where they stayed together. There also, the accused had sexual intercourse with the victim. Then, on 08.01.2010, he took the victim to Chennai for consulting an advocate. On 09.01.2010, he brought the victim near her house and dropped her there. The victim, P.W.2, went to her house and wept. P.W.1 is her father and P.W.10 is her mother. They enquired her as to what had happened. The victim narrated everything.

(iii) In the meanwhile, on 05.01.2010, on coming to know that the victim had been kidnapped by the accused, P.W.1 lodged a complaint, Ex-P1, at P.6, Kodungaiyur Police Station. P.W.15, the then Inspector of Police (Law & Order), on receipt of the

complaint, registered a case in Crime No. 6/2010 under Section 366(A) I.P.C. Ex-P20 is the First Information Report. He forwarded Exs-P1 and P20 to the Court and took up the case for investigation.

(iv) Till 09.01.2010, according to P.W.15, he could not trace the victim. On 09.01.2010, at about 12 noon, the victim had returned to her house. P.W.10, the mother of the victim girl, appeared before P.W.15 and informed the said fact and produced the clothes of the victim, which were worn by her at the time when she left her parental home. Then, P.W.15 examined the victim girl and her mother and recorded their statements. After ascertaining that the victim had been raped, he altered the section of offence into Sections 366(A) and 376 I.P.C. and prepared Ex-P22, the altered report. Then, he sent the dress materials of the victim to the Court. On 09.01.2010, the victim was sent to Government Children Home. P.W.15 gave a requisition, Ex-P23, to Court for medical examination of the victim girl. The Doctor, who examined the victim girl, gave opinion that there was recent tear of hymen suggesting recent sexual intercourse. During the course of investigation, on 12.01.2010, at about 9.30p.m., P.W.15 arrested the accused near St. Antony's Church, Madhavaram, in the presence of P.W.9 and another witness. On such arrest, the accused gave a voluntary confession statement in which he disclosed about the dress materials concealed in his house as well as the motorcycle used by him at the relevant point of time. In pursuance of the same, he took the Police and the witnesses to his house and produced a pant, a shirt and a blue-coloured brief (M.O.6 series). P.W.15 recovered the same under a mahazar, Ex-P8. The motorcycle, M.O.5, was recovered under Ex-P9 mahazar in the presence of the same witnesses. He examined further witnesses and recorded their statements. Thereafter, he forwarded the case properties to the Court and sent the accused to the hospital for medical examination. The Doctor, on examining him, opined that the accused was capable of performing penile sexual intercourse with a woman. On 12.03.2010, he gave a requisition to the Court to subject the case properties for chemical examination. Ex-P12 is the Chemical Analysis Report. On completing the investigation, he laid charge sheet against the accused.

(v) Based on the above materials, the Trial Court framed three charges as detailed in the first paragraph of the judgment and the accused denied the same as false.

(vi) In order to prove the case, on the side of the prosecution, as many as 15 witnesses were examined, 27 documents and 6 material objects were marked. Out of the said witnesses, P.W.1 is the father of the victim. He has stated that the

victim was attending tuition classes under the accused. He has further stated that on 05.01.2010, at 2p.m., the victim had gone to a nearby shop, but did not return. He has further stated that when P.W.1 started searching for her, the accused contacted him over phone and informed that the victim was with him and therefore, P.W.1 need not search for her. Since the victim did not return for a long time, P.W.1 made a complaint to the Police. He has further stated that after three days, ie. on 09.01.2010, at about 12 noon, the victim returned home, wept and narrated the entire occurrence to him. P.W.2 is the victim, who has vividly spoken about the entire occurrence. She has stated that she was taken from her native place in a motorcycle by the accused to Vailankanni where the accused stayed with her in a room and had sexual intercourse with her against her will and again, he took her to Pondicherry and stayed in a room, where also, he had sexual intercourse without her consent. Thereafter, according to her, the accused brought her to Chennai and after having consulted a lawyer, left her near her house on 09.01.2010. She has further stated that on reaching the house, she wept and narrated the entire occurrence to her parents. P.W.3 is the Supervisor in the Shrine Rooms Booking Office at Vailankanni. According to him, on 05.01.2010, at 10.30p.m., the accused came with a girl, aged around 17years and wanted to book a room. When he enquired the accused, he told that the girl was his daughter. Believing the words of the accused, he allotted Room No. 187 in St. Joseph's Lodge. It is his further evidence that the accused and the girl stayed in the room for two days. On 07.01.2010, they vacated the room and went away. Ex-P3 series are the copies of entries in the Register maintained at Shrine Rooms Booking Office. P.W.4 is a Clerk in the same office working along with P.W.3. He has also stated about the same facts. He has stated that he prepared a bill for payment of Rs.200/- as an advance when the accused checked in at the lodge along with the girl. Ex-P4 is the copy of the said check-in bill. P.W.5 is yet another Clerk working in 'Vacating Section' in St. Joseph's Lodge. He has stated that on 07.01.2010, at about 2.45p.m., the accused vacated the room along with the girl with whom he was staying. He has also stated that a sum of Rs.200/-, which the accused had paid as an advance at the time of checking in, was returned and his signature was obtained and Ex-P5 is the copy of the Check-out register. P.W.6 is the Manager of the Lodge known as "Mother's Guest House" at Pondicherry. One Gopinath was the Proprietor of the Lodge. On 07.01.2010, according to P.W.6, at 9.15p.m., the accused came to the Guest House along with a girl aged about 17 years and wanted to book a room. When he enquired the accused, he told P.W.6 that they had come there to visit the ashram and also told that the girl was his daughter. Then, he booked a room in the name of "Sarmia" and Room No.6 was allotted to him.

On 08.01.2010, according to P.W.6, the accused vacated the room. Ex-P6 series contains Bill No. 2742 issued by P.W.6 for the payment made by the accused, when he vacated the room. P.W.7 was the room boy in "Mother's Guest House" at Pondicherry. He has stated that on 07.01.2010, at 9.15p.m., the accused came along with a girl, booked a room, stayed there and on the next day, he vacated. P.W.8 is the Correspondent of Don Bosco Matriculation Higher Secondary School at Erukkancheri, Chennai. According to her, the victim was studying 12th standard in the said school during the year 2010. She has further stated that the accused was working in the very same school, during the relevant time, as an English Teacher and he was taking classes for 11th Standard and 12th Standard. Referring to the Attendance Register, she has stated that the victim, P.W.2, did not attend classes from 02.01.2010 to 05.01.2010 and on 05.01.2010, her father came to the school and informed her that the victim was missing. The accused also did not attend duty during the said period. P.W.9 witnessed the arrest of the accused and the consequential recovery of motorcycle - M.O.5 under Ex-P8 and the clothes of the accused - M.O.6 series under Ex-P9. P.W.10 is the mother of the victim. She has also stated about the fact that her daughter was attending tuition classes taken by the accused and she has also stated about the missing of her daughter and her return to the house. P.W.11 is the Tutor in Forensic Medicine, Madras Medical College, Chennai. He has stated that on the request made by the Police, he examined the accused and according to him, the accused was above 25 years but below 40 years of age and that he was capable of performing penile sexual intercourse with a woman. Exs-P10 and P11 are the reports issued by him in regard thereto. P.W.12 was the Deputy Director in Forensic Sciences Department, Government of Tamil Nadu, Chennai. According to her, she examined the dress materials recovered from the accused as well as the dress materials belonging to the victim and on examination, she found that there were neither seminal stains nor bloodstains on those materials. P.W.13, Dr. Geetanjali, Tutor in Forensic Medicine, Madras Medical College, Chennai, has stated that she examined the victim on 11.01.2010 and gave her opinion that there was a recent tear of hymen. She has further stated that the genital organ of the victim was edematous and there was also a scratch measuring 1cm. P.W.14, the XXIII Metropolitan Magistrate, Saidapet, Chennai, has stated about the recording of statements from witnesses under Section 164 Cr.P.C. P.W.15, the then Inspector of Police, attached to P-6 Kodungaiyur Police Station, has stated about the registration of the case, the investigation done and filing of final report against the accused.

(vii) When the above incriminating materials were put to the accused, he denied the same as false. On his side, he

examined as many as 5 witnesses (D.W.5 is the accused himself).

(viii) D.W.1 is the mother of the accused. She has stated that on 05.01.2010, at about 5p.m., the victim came to her house and on seeing D.W.1, according to her, the victim cried. Then, she told D.W.1 that she was not in a position to reside in her house as her father was sexually abusing her. Therefore, according to her, P.W.2 declared that she would not continue to reside at her parental home. D.W.1 told the victim not to disturb her son as he was already married and having kids and instead, advised her to tell her problem to her parents. Finally, according to D.W.1, the victim asked D.W.1 to send the accused with her and that she would commit suicide, if D.W.1 did not send her son with her. After this conversation, the accused, who was in the house, was taken by the victim. Thereafter, the accused did not return. D.W.1 went to the house of the victim and informed them about the same. Thereafter, since the accused did not return till 11p.m., a complaint was lodged by her daughter-in-law that the accused was missing. On 06.01.2010 and 07.01.2010, the accused called D.W.1 over phone and informed that he went out and did not return for such a long time because the victim had threatened him that she would commit suicide. On 08.01.2010, at 5p.m., the accused returned along with the victim. Then, according to D.W.1, she took the victim and handed her over to her parents. She handed over the accused to an Advocate, by name, Tamil Selvan, who, inturn, produced him before the Police.

(ix) D.W.2 is the wife of the accused. She has stated that prior to the occurrence, the victim was attending tuition under the accused. But, there were changes in her attitude towards the accused. This came to light about six months prior to the occurrence. According to D.W.2, she warned the victim to mend her ways. Then, D.W.2 and others informed the parents of the victim about the same. Even thereafter, the victim was sending a number of short messages through her cellphone to the accused informing him that he should keep her as his wife or else, she would commit suicide. She has further stated that one day, at about 5p.m., the victim came to her house and wanted to talk to the accused. Her mother-in-law requested her not to disturb her son. However, the victim was very adamant and so, the accused went along with her. Thereafter, he did not return. On the same day, at 11.30p.m. according to D.W.2, she gave a complaint to the Police in respect of the missing of her husband namely, the accused. On the next day, when D.W.2 went to the Police Station, the Police wanted a changed version of the complaint. She has further stated that on 07.01.2010, the accused called his mother over phone and on 08.01.2010, he returned along with the victim girl. It is her evidence that thereafter, the victim

girl was handed over to her parents through an advocate, by name, Tamil Selvan and the accused was produced before the Police by the said Advocate.

(x) D.W.3 is the Principal of Don Bosco Matriculation Higher Secondary School at Erukkancheri, Chennai. She has stated that as per the school records, the mobile number of the victim was 9710736669. D.W.4 is an advocate. According to him, on 08.01.2010, at about 11.30p.m., the accused and the victim girl came to his chambers and the accused discussed about the issue with him. According to D.W.4, he informed the accused that he would enquire about the position with the Police and inform him. Thereafter, the accused and the girl left his chambers stating that they would come to his office on the next day. However, they did not turn up at all, he has added.

(xi) D.W.5 is the accused himself. He has stated that on 05.01.2010, at 5p.m., the victim came to his house, wept and talked to his mother and wife. She gave incorrect information to them in a believable manner. She sought permission from his mother and wife to talk to him. The accused, as a teacher of the victim, took her out with a view to advise her properly and to leave her at her house. He has stated that the victim, at that time, told him that there was a rumour about her and the accused that they were living as husband and wife. Further, according to the accused, the victim told him that she had fallen in love with him. The accused told her that he was already married and therefore, it was not possible for him to marry her. The accused has further stated that the victim told him that since she was a major, she had every right to decide about her future. She also threatened the accused that she would commit suicide in the event of the accused refusing to marry her. It is the further evidence of the accused that he kept on persuading her to return home. Then, at 11p.m., he took her and left her near her house. Thereafter, when he returned home, his wife and mother were not there and his sister informed him that they had gone to the Police Station to lodge a complaint that he was missing. As these incidents gave him intolerable mental pressure and agony, he left his house and stayed at the house of a friend. He has stated that he is innocent. During cross-examination, the accused has stated that during the period, when he was stated to be missing, he was staying at Gummidipoondi in the house of a friend.

(xii) On the side of the accused, five documents have been marked as Exs-D1 to D5. Ex-D1 is the summons issued to one Krishnamurthy, cited as a witness in this case. Ex-D2 is the visiting card of the Managing Director of "Mother's Guest House". Ex-D3 is, again, summons issued by the Court to

one Kanikkairaj, cited as a witness in this case. Ex-D4 is the certificate issued by the Principal of the Don Bosco Matriculation Higher Secondary School wherein it is stated that the mobile number of the victim was 9710736669. Ex-D5 is the photograph showing the accused receiving " Best Teacher" award from Chief Guest, who presided over a function in the school.

(xiii) Having considered all the above, the Trial Court convicted and sentenced him as detailed in the first paragraph of the judgment. That is how the appellant/accused is before this Court with this appeal.

3. We have heard the learned counsel for the appellant, the learned Additional Public Prosecutor for the State and we have also perused the records carefully.

4. There is no controversy before this Court that the accused was working as an English Teacher in Don Bosco Matriculation Higher Secondary School, where the victim (P.W.2) was studying in 12th standard. It is also not in dispute that the victim was attending tuition class under the accused. It is the evidence of P.W.s 1, 2 and 10 that on 05.01.2010, the victim did not go to school and stayed back at her house. This fact has also been proved by the Correspondent of the School, who has been examined as P.W.8. It is in the evidence of P.W.s 1, 2 and 10 that at 2p.m. on 05.01.2010, the victim went out of her house and she was proceeding to a nearby shop. At that time, according to P.W.2, the accused came there in a motorcycle and by force and under threat, he took her in the motorcycle. We do not find any reason to reject the evidence of P.W.2, the prosecutrix, in this regard.

5. The case of the accused is that the victim had come on her own to his house and wanted to speak to him. According to D.W.1, the mother of the accused, the victim threatened that she would commit suicide if D.W.1 did not permit her to meet the accused. Thereafter, the accused himself has stated that he went along with the victim. Thus, there cannot be any doubt that the accused was in the company of the victim on the date of occurrence.

6. Thereafter, it is the evidence of P.W.s 3, 4 and 5 that the accused along with the girl, came to their Booking Office at Vailankanni and booked a room. They were allotted Room No. 187 at St. Joseph's Lodge. Exs-P3 to P5 would prove the fact that the accused had stayed in the said lodge in Room No. 187, paid the rent and vacated the room on 07.01.2010 at 2.45p.m. The evidence of P.W.s 3 to 5 cannot be rejected at all as they are independent witnesses and further, their evidence is supported

by documents, namely, Exs-P3 to P5. Though these witnesses were not able to identify the victim girl, their evidence certainly go to corroborate the evidence of P.W.2 wherein she has stated that it was she, who stayed along with the accused in the lodge at Vailankanni.

7. After vacating the room at Vailankanni, the accused took the victim to Pondicherry. On 07.01.2010, at 9.15.p.m., the accused booked a room in 'Mother's Guest House' and stayed there in Room No.6. This has been spoken to by P.W.6. According to him, along with the accused, there was a girl aged about 17 years. The room was booked under the name 'Sarmia'. Ex-P6 series contains Bill No. 2742 issued by P.W.6 for the payment made by the accused, when he vacated the room. P.W.7 is the room boy in the said Guest House, who has stated that it was the accused, who stayed in the said Guest House in Room No.6. There is no reason to reject the evidence of these witnesses also, since they are independent witnesses and they have got no motive against the accused. Though they were not able to say that the girl, who stayed along with the accused was P.W.2, the evidence of P.W.2 would go to prove that it was she, who stayed with the accused in the said Guest House.

8. It is in the evidence of P.W.2 that the accused vacated the room in Pondicherry on 08.01.2010 and returned to Chennai, where he met an advocate. P.W.2 is not able to say as to who was the advocate, before whom, the accused took her. But, the accused has admitted in his evidence, in chief-examination itself, that he took the victim to D.W.4, an advocate, by name, Tamil Selvan and D.W.4 has also admitted the same. Thus, the evidence of P.W.2 is duly corroborated by the evidence of the accused as well as that of D.W.4.

9. Thereafter, it is the evidence of D.W.1 and the accused that he appeared before D.W.4 and D.W.4 produced him before the Police. However, D.W.4 has stated that the accused, after meeting him in his chambers on 08.01.2010, did not turn up at all and he came to know, later on, that the accused has been remanded to judicial custody. This evidence of D.W.4 does not support the case of the accused that he was produced before D.W.4 and thereafter, D.W.4 produced him before the Police.

10. Now, in the evidence of P.W.2, it has been clearly stated that the accused had sexual intercourse with her repeatedly, both in the lodge at Vailankanni as well as in the lodge at Pondicherry. This evidence of P.W.2 finds corroboration in the evidence of the Doctor, P.W.13. P.W.13, in her evidence, has stated that there were signs of recent tear of hymen and that there was inflammation of the genital organ of the victim.

The Doctor has also stated that there was also a scratch measuring 1cm on the genital organ of the victim. This evidence of the doctor clearly supports the evidence of P.W.2, the victim. Thus, the prosecution, in our considered view, has clearly proved that the accused had sexual intercourse with the victim several times, in the lodge at Vailankanni as well as in the lodge at Pondicherry.

11. The learned counsel for the appellant would submit that the victim came on her own accord, stating that she was a major and she also informed that she had fallen in love with the accused. This story propounded by the accused is very difficult to be believed. Even assuming that the same is true, the accused, being a teacher, ought to have either persuaded her to return home or informed her parents about the same. Instead, his evidence is that he kept on persuading her to go home till 11 p.m. and thereafter, left her near her house. This cannot be true in view of the evidence of P.W.2. For yet another reason also, this version of the accused cannot be true. D.W.1., the mother of the accused and D.W.2, the wife of the accused have stated that the accused was missing for two days and therefore, D.W.2 had even gone to the extent of lodging a complaint with the Police. They have further stated that during the interregnum period, the accused called D.W.1 over phone and informed her that since the victim had threatened him that she would commit suicide, he left along with her. This evidence of D.W.1 clearly destroys the defence stated by the accused and it only lends support to the case of the prosecution.

12. The learned counsel for the appellant would submit that though it is alleged that the accused had repeated sexual intercourse with the victim girl, the dress materials of the victim and the accused, alleged to have been recovered, did not contain either seminal stains or bloodstains. This, according to the learned counsel, would rule out the possibility of rape.

13. This contention of the learned counsel for the appellant cannot be accepted in view of the fact that according to medical evidence, there was a recent tear of hymen and the genital organ of the victim was edematous and there was also a scratch measuring 1cm. Therefore, the mere absence of seminal stains or bloodstains on the recovered dress materials, would not, in any manner, come to the rescue of the accused from the clutches of law. Hence, this argument of the learned counsel for the appellant is rejected.

14. Lastly, the learned counsel for the appellant submitted that the age of the victim has not been proved. This contention also deserves to be rejected, since the accused never took the

defence that the victim girl was aged more than 18 years. The Doctor, P.W.13, has given her opinion that the age of the victim was between 18 and 20 years. It is well-known that the opinion of Doctors, in respect of age of a person, on the basis of physical appearance, is only approximate. Even assuming that the victim was aged 18 years, even then, since there is clear evidence that the accused had sexual intercourse with her against her will, the accused is still liable to be punished under Section 376 I.P.C.

15. In view of the foregoing discussions, we hold that the prosecution has proved that the accused had committed offences punishable under Sections 366(A), 342 and 376 I.P.C.

16. Now, coming to the quantum of punishment, the learned counsel for the appellant would submit that the accused has got a wife, a child and a big family to be taken care of. He would further submit that the accused has got no bad antecedents. He has also been conferred with the "Best Teacher" award for his teaching performance in the school. According to the learned counsel, there are lot of chances for his reformation. Therefore, the learned counsel would submit that the sentence may be reduced.

17. However, the learned Additional Public Prosecutor would submit that the accused, though a teacher, is guilty of committing a heinous offence against a student and therefore, the sentence imposed by the Trial Court does not require any interference at the hands of this Court.

18. We have carefully considered the above submissions.

19. The appellant, as a teacher, who is expected to be a role model for the student community and who is supposed to act as a guide and guardian for the students, who are studying under him, has shown animal behaviour towards the victim. The act of the accused in taking the minor girl to various places and sexually exploiting her is, undoubtedly, a grave offence. But, at the same time, we have to take into consideration, the mitigating circumstances as narrated above. The sentence of life imprisonment imposed on the accused for the offence under Section 376 I.P.C. is disproportionate and instead, in our considered view, sentencing him to undergo rigorous imprisonment for 7 years for the said offence and to pay a fine of Rs.20,000/- would meet the ends of justice. Similarly, sentencing the accused to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.10,000/- for the offence under Section 366(A) I.P.C. and sentencing him to undergo rigorous imprisonment for one year and to pay a fine of Rs.1000/- for the

offence under Section 342 I.P.C. would meet the ends of justice.

20. In the result, the appeal is partly allowed on the following terms:

"The conviction of the appellant for the offences under Sections 366(A), 342 and 376 I.P.C. is confirmed. However, the sentence imposed on him is modified as hereunder:

(1) For the offence under Section 366(A) I.P.C., the appellant is directed to undergo rigorous imprisonment for 3 years and to pay a fine of Rs.10,000/-, in default to undergo rigorous imprisonment for four weeks;

(2) For the offence under Section 342 I.P.C., the appellant shall undergo rigorous imprisonment for one year and to pay a fine of Rs.1000/-, in default to undergo rigorous imprisonment for one week;

(3) For the offence under Section 376 I.P.C., the appellant is directed to undergo rigorous imprisonment for 7 years and to pay a fine of ***Rs.20,000/-**. **The Sentences shall run concurrently** in default to undergo rigorous imprisonment for 6 weeks."

Fine amount of Rs.31,000/-, imposed on the appellant, shall be paid to the victim as compensation.

Sd/-

Assistant Registrar(CS-III)

**Amended as per the order
of this Hon'ble Court
dated 27.04.2016 made in
Crl.A.251/2013.**

Sd/-

**Assistant Registrar (CS III)
24.03.2016**

//True Copy//

Sub Assistant Registrar

nv

To

1. The Xth Metropolitan Magistrate, Chennai.

2. -do-Thro The Chief Metropolitan Magistrate, Chennai.

3. The Sessions Court,
(Mahalir Neethimandram),
Chennai.

4. The Public Prosecutor,
High Court, Madras.

5. The Superintendent, Central Prison,
Puzhal, Chennai.

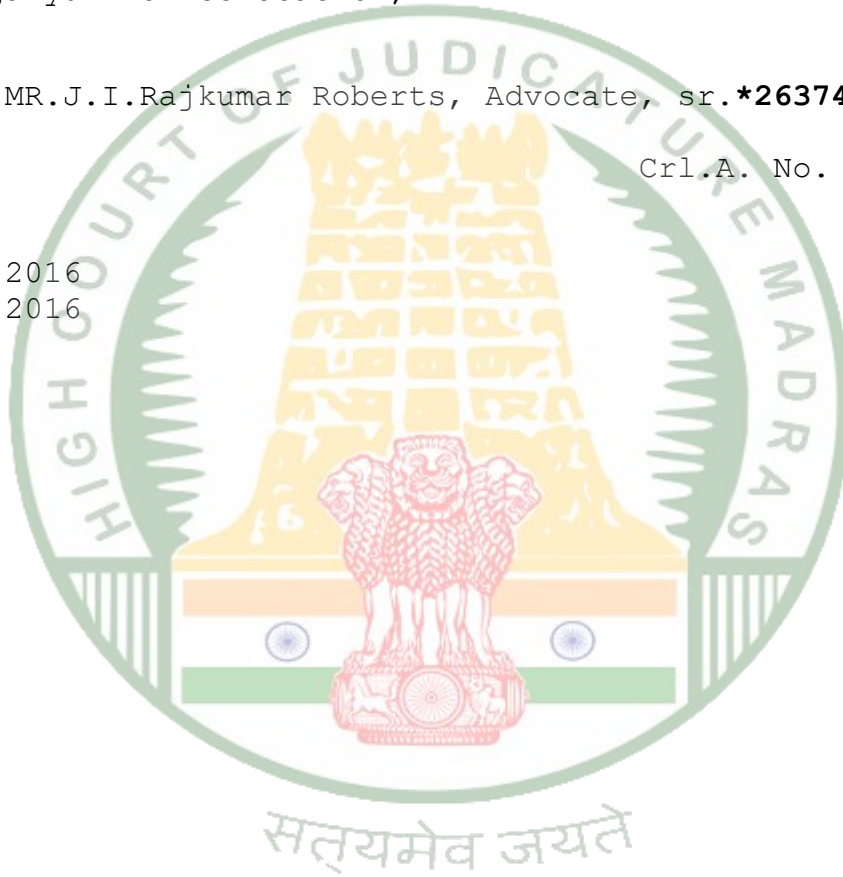
6. The Inspector of Police,
P6, Kodungaiyur Police Station,
Chennai.

To be substituted
the order coy
already despatched
on 07.04.2016.

+2 ccs to MR.J.I.Rajkumar Roberts, Advocate, sr.*26374.

CrI.A. No. 251 of 2013

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