

Bail Slip

The petitioner/Accused 1 & 2 namely Arumugam S/o. Rajavelu and Seenu S/o. Rasu were directed to be released on bail as per the order of this court dated 28.5.2010 and made in Crl.M.P.No.1/10 in Crl.R.C.No.538/10 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2016

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Crl.R.C.No.538 of 2010

1.Arumugam  
2.Seenu

.. Petitioners/Accused 1 and 2

vs.

The State Rep. By  
Station House Officer  
Kadampuliyur Police Station  
Cuddalore District

.. Respondent/ Complainant

Criminal Revision filed under Section 397 r/w. 401 Cr.P.C. to set aside the order dated 19.05.2010 passed by Additional District Sessions Judge, Fast Track-II, Cuddalore in Crl.Appeal.No.24 of 2009, which confirmed the order passed by Assistant Sessions Judge, Panrutti in S.C.No.525 of 2006.

For Petitioners : Mr.C.Ramkumar

For Respondent : Mrs.M.F.Shabana  
Govt.Advocate (Crl.Side)

O R D E R

This revision arises against judgment of conviction confirmed by learned Additional District Sessions Judge, Fast Track-II, Cuddalore, in Criminal Appeal No.24 of 2009, on 19.05.2010. Earlier, the trial court convicted the petitioners in S.C.No.525 of 2006, on 24.04.2009.

2. The case in S.C.No.525 of 2006 was tried for offence under Sections 341, 324, 326 and 307 of IPC. The prosecution case was that due to previous enmity, the petitioners herein/A1 and A2 along with A3 and A4, on 10.05.2001, at 15.00 hours, stopped P.W.2/victim near Seeranguppam Velmurugan Plaintain Thoppu and attacked him with knife and caused grievous injuries on his head and fingers of the right hand. On the complaint of P.W.1-Sivamani,

a case in Crime No.167 of 2001 on the file of Kadampuliyur Police Station, was registered. Upon completion of investigation and filing of charge sheet informing commission of offences u/s.341, 324, 326 and 307 of IPC, the case was tried in S.C.No.525 of 2006 on the file of learned Assistant Sessions Judge, Panrutti.

3. Before trial Court, prosecution examined 10 witnesses and marked 15 exhibits and 2 material object. None were examined on the side of defence nor were any exhibits marked. Trial Court, on appreciation of materials, found that charges against A1 and A2 under Section 326 of IPC and charge against 3<sup>rd</sup> accused under Section 324 of IPC alone could be sustained and acquitted A1 to A4 of charges under Section 307 of IPC. Further, Trial Court, finding A-1 and A-2 guilty under Section 326 of IPC, sentenced them to undergo 3 years rigorous imprisonment and imposed a fine of Rs.2000/- with usual default clause and finding A3 guilty under Section 324 of IPC, imposed a fine of Rs.1000/- with usual default clause. Trial Court, under judgment dated 24.04.2009, thus rendered a finding of conviction. Aggrieved thereby, A1 and A2 filed appeal before Additional District Sessions Judge, Fast Track-II, Cuddalore, wherein, the judgment of the trial court was confirmed, against which, revision petitioners/A1 and A2 have preferred this revision.

4. On consideration of rival submissions and facts of this case, we are in no doubt that a proper finding has been rendered by the courts below. This court, however, has taken note of the following special circumstances viz., that the occurrence was of the year 2001, the 1st revision petitioner was then aged 20, while the 2<sup>nd</sup> revision petitioner was aged 30 and that they have lived the past 15 years under the depressing cloud of the possibility of their being thrown behind bars. Both revision petitioners and the victim belong to the same village and both are willing to place their differences aside towards compounding the offences committed by the revision petitioners/accused.

5. In the circumstances, this court, despite the case not coming within ambit of Section 320 Criminal Procedure Code, would exercise power under Section 482 of Cr.P.C., and compound the offence in Crime No.167 of 2001 recording the following:-

In keeping with the agreement between the parties, the petitioners as also the victim/P.W.2 are present before this court. A sum of Rs.1,00,000/- (Rupees One Lakh only) has been handed over to the victim by the revision petitioners before this court. Counsel for petitioners has made an endorsement identifying the petitioners while learned Government Advocate (Criminal Side) has identified P.W.2, the victim. The have made endorsements to such effect. As a consequence of compounding the offence, the revision petitioners shall stand acquitted in case tried in S.C.No.525 of 2006, by the Assistant Sessions Judge, Panrutti.

In the result, the Criminal Revision Petition stands allowed.  
Connected miscellaneous petition is closed.

Sd/-  
Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

nvsri

To

1. The Judicial Magistrate  
Panruti
2. do thro the Chief Judicial Magistrate  
Cuddalore
- 3.The Additional District Sessions Judge,  
Fast Track-II, Cuddalore
4. do thro the Principal Sessions Judge  
Cuddalore
- 5.The Assistant Sessions Judge, Panrutti
6. The Superintendent  
Central Prison, Cuddalore
- 7.The Station House Officer  
Kadampuliyur Police Station  
Cuddalore District
- 8.The Public Prosecutor,  
High Court, Madras

1 cc to Mr.C. Ramkumar, Advocate, Sr. 3658

CrI.R.C.No.538 of 2010

SKV (CO)  
kk 1/3