

Bail Slip:- The Petitioners namely M. Munisekaran S/o. Munisamy and A. Munichandran S/o. Abbaiyan were directed to be released on bail as per order of this Court dated 3.6.2010 and made in CrI.M.P.No.1/10 in CrI.R.C.No.552/10 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CrI.R.C.No.552 of 2010

1.M.Munisekaran
2.A.Munichandran .. Petitioners/ Accused

vs.

1. State by
The Inspector of Police
Maharajakadai Police Station
Maharajakadai
Krishnagiri District .. 1st Respondent/ Complainant
(Crime No.349 of 2003)

2. Sakthivel
3. Sangeetha
Respondents 2 & 3 are impleaded as per
the order of the Court
dated 22.1.2016 made
in CrI.M.P.No.406/16 in
CrI.R.C.No.552/10 by CTSJ ... Respondents 2 and 3

Criminal Revision filed under section 397 and 401 Cr.P.C. against the judgment of conviction dated 20.11.2009 made in C.A.No.13 of 2005 on the file of learned Principal District and Sessions Judge, Krishnagiri which confirmed the conviction and sentence imposed in a judgment dated 11.02.2005 made in C.C.No.321 of 2004 on the file of learned Chief Judicial Magistrate No.I-cum-Assistant Sessions Judge, Krishnagiri.

For Petitioner : Mr.P.M.Duraiswamy

For Respondent : Mr.C.Iyyapparaj
Government Advocate (CrI.side) for R1
Mr.M.K.Vijayaraghavan
for R2 and R3

O R D E R

This revision challenges the order passed by the learned Principal District and Sessions Judge, Krishnagiri in C.A.No.13 of 2005 on 20.11.2009.

2. The first petitioner is the nephew of the defacto complainant. The second petitioner is his friend. The first petitioner stood trial for offence under Section 307 IPC and second petitioner for offence under Section 325 IPC in C.C.No.321 of 2004 on the file of Chief Judicial Magistrate I cum Asst. Session Judge, Krishnagiri. The case of the prosecution was that due to dispute over property, the accused assaulted the defacto complainant with wooden logs and also attempted to murder her and therefore, rendered themselves punishable for the aforesaid offences.

3. To prove their case, the prosecution examined P.Ws.1 to 12, besides marking Exs.P1 to P10 and three material objects as M01 to M03. On the side of defence, one document was marked as Ex.D1, but no oral evidence was let in.

4. On appreciation of materials before it, the trial Court, under judgment dated 11.02.2005, convicted the petitioners/accused for offence under Section 325 IPC and sentenced them to undergo 2 years rigorous imprisonment and fine of Rs.5000/-, i/d. 6 months S.I. There against, the accused preferred C.A.No.13 of 2005 on the file of learned Principal District and Sessions Judge, Krishnagiri, which came to be dismissed under judgment dated 20.11.2009. Hence, this revision.

5. The defacto complainant, a lady, has since expired. The offence of which these petitioners stand convicted is under Section 325 IPC. Such offence is compoundable with the permission of Court. As the defacto complainant is no more, her legal representatives viz., son and daughter are before this Court as respondents 2 and 3 and an affidavit filed by the daughter informs thus:

"5.It is true that there was a dispute between our family and the 1st petitioner's family on account of the Will executed by our grandfather in favour of my brother who was then a minor and the dispute resulted in filing of the above criminal case by our mother against petitioners herein. It is submitted that the two families have compromised themselves and renewed their family bond and relationship. On account of the same, we have decided to compound the offences with the petitioners since the 1st petitioner is our paternal uncle's son and the second petitioner is our villager. It is submitted that to facilitate compounding of the

offence, we have no objection to implead us as 2nd and 3rd respondents in the above Criminal Revision Petition."

In the circumstances, this revision is allowed and the offence under Section 325 IPC tried in C.C.No.321 of 2004 on the file of Chief Judicial Magistrate I-cum-Assistant Sessions Judge, Krishnagiri shall stand compounded. As a consequence, the petitioner shall stand acquitted of all charges. Fine, if any, paid by petitioner shall be refunded. Bail bonds, if any, executed by him shall stand cancelled.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

gpa

To

1. The Judicial Magistrate No.II
Krishnagiri
2. The Chief Judicial Magistrate No.1 cum
Assistant Sessions Judge
Krishnagiri
3. The Principal District and Sessions Judge
Krishnagiri
4. do thro the Chief Judicial Magistrate, Dharmapuri at
Krishnagiri
5. The Public Prosecutor
High Court, Madras
6. The Inspector of Police
Maharajakadai Police Station
Maharajakadai
Krishnagiri District

1 cc to Mr.P.M. Doraiswamy, Sr. 3737

Cr1.R.C.No.552 of 2010

SKV (CO)
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