



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 13.06.2016

CORAM:

WEB COPY

THE HONOURABLE Dr.JUSTICE P.DEVADASS

Crl.R.C. (MD)No.239 of 2016
and
Crl.M.P. (MD)No.3081 of 2016

Chinnadurai

... Petitioner/Appellant/
Accused No.1

Vs.

The State Rep.by
The Sub Inspector of Police,
Alangudi Police Station,
Pudukkottai District.
(Crime No.224/2009)

... Respondent/Respondent/
Complainant

Prayer: Criminal Revision Petition is filed under Section 397 r/w 401 Cr.P.C., for setting aside the judgment dated 23.09.2015 made in C.A.No.74 of 2014 on the file of the Additional District and Sessions Court, Pudukkottai as against the judgment dated 07.11.2014 in C.C.No.172 of 2011 on the file of the Judicial Magistrate, Alangudi, Pudukkottai.

For Petitioner : Mr.RMS.Sethuraman
For Respondent : Mrs.S.Prabha, G.A.(Crl.side)

ORDER

The revision petitioner / A1 in C.C.No.172 of 2011 in C.A.No.74 of 2014 challenges the legality of the sentences imposed upon him by the Appellate Court.

2.P.W.1 married P.W.2. P.W.2 is sister of the revision petitioner / A1. A1's father seems to have not given any appreciable item to P.W.2 at the time of her marriage with P.W.1. Later, respecting his son-in-law (P.W.1), P.W.2's father gave a gold ring of 2 grams. Later, A1 demanded the same from P.W.1. In this connection, quarrel arose between the brother-in-laws. In this connection on the occurrence day A1 picked up a hammer laying there and with that assaulted P.W.1 on his nose. He bled. Medical evidence shows that he suffered fracture in his nose.

3.The learned Judicial Magistrate, Alangudi, convicted A1 under Section 294(b) IPC and fined him Rs.1,000/- and also

convicted him under Section 324 IPC and sentenced him to one year R.I. and also fined him Rs.1,000/- with default sentence.

4.A1 appealed to the learned Additional Sessions Judge, Pudukkottai in C.A.No.74 of 2014. The learned Judge while confirming the convictions set aside the sentence of one year imprisonment under Section 324 IPC instead directed him to pay a compensation of Rs.10,000/- to P.W.1. He also maintained the fine amount of Rs.1,000/-. This is being challenged here.

5.The learned counsel for the revision petitioner submitted that both are close relatives. They are poor. Sentencing them harsh will affect the cordiality between both the families. Further, A1 is not in a position to pay Rs.10,000/-.

6.The learned Government Advocate (Crl.side) appearing for the respondent submitted that the revision petitioner had assaulted P.W.1 with an hammer.

7.I have anxiously considered the rival submissions, perused the impugned judgments and also the materials on record.

8.Now, P.W.2 will be in a precarious position. On the one side her brother / A1 and on the other side her husband / P.W.1. She is placed in a piquant situation. Both are dear to her. Both sides are very poor. In such circumstances, the direction to pay Rs.10,000/- as compensation is not necessary and A1 also has been sufficiently punished.

9.In view of the above, the direction of the appellate court to the revision petitioner to pay Rs.10,000/- to P.W.1 as compensation is set aside. Accordingly, this Criminal revision is disposed of.

Sd/-

Assistant Registrar(CS-I)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Additional District and Sessions Judge, Pudukkottai.

2.The Judicial Magistrate, Alangudi, Pudukkottai.

+1cc to Mr.K.Balasundharam,Advocate in SR.No.30490

nbj

JA-NGM-MP-28.6.2016/2P:4C

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