

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2017

Coram

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

CrI. Revision Case No.782 of 2014
and
CrI.M.P.No.6574 of 2017

1. Thiruvannamalaisaravanan @ Saravanan
2. Suresh
3. Murugan
4. Jothidapuyal @ Markendeyan
5. Raji
6. Thenu @ Dharamaraj @ Dharmalingam
7. Boopathy
8. Miniauto Mallappan @ Madesh
9. Gandhi @ Gunasekaran ... Petitioners

State of Tamilnadu

rep. by Inspector of Police,
Mallur Police Station,
Salem District,

Cr.No.300 of 2009

... Respondents

Prayer: Criminal Revision Petition filed under Section 397 and 401 of the Code of Criminal Procedure to call for the records in C.A.No.111 of 2012 on the file of the I Additional District and Sessions Court, Salem dated modifying the order of conviction of the learned Assistant Sessions Judge and Chief Judicial Magistrate, Salem in S.C.No.48 of 2011 dated 12.10.2012 and set aside the same.

For Petitioner : Mr.M.Devaraj
For Respondent : Mr.R.Ravichandran,
Government Advocate (Crl.side)

* * * *

ORDER

The petitioners are accused in S.C.No.48 of 2011 on the file of the Assistant Sessions Judge and the Chief Judicial Magistrate Court, Salem. They stood charged for the offences under Sections 147, 307 r/w.149 IPC. The trial Court, by judgment dated 12.10.2012, convicted the petitioners/accused under Section 147 IPC and sentenced them to undergo rigorous imprisonment for one year each and to pay a fine of Rs.1000/-, each in default, to undergo rigorous imprisonment for 3 months each and they were also convicted under Section 307 r/w.149 IPC and sentenced to undergo rigorous imprisonment for 5 years each and to pay a fine of Rs.1000/-, each, in default, to undergo rigorous imprisonment for 6 months each. Challenging the same, the petitioners preferred an appeal in C.A.No.111 of 2012 on the file of the I Additional District & Sessions Court, Salem and the lower appellate Court confirmed the conviction under Section 147 IPC and modified the conviction under Section 324 IPC instead of Section 307 r/w.149 IPC and sentenced them to undergo rigorous imprisonment for 2 years each and to pay a fine of Rs.1000/-each, in default, to undergo simple imprisonment for one month each, by judgment dated 11.06.2014. Challenging the same, the present revision has been filed.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioners submit that the matter has been settled between the parties and the defacto complainant/injured witness P.W.2, is not willing to continue the case and he has also filed a petition to compound the offence.

3. Today, both the petitioners/accused and injured witness P.W.2, are present before this Court along with their respective counsels. When this Court enquired, the injured witness P.W.2 is submitted that he is willing to compound the offence, as they have settled the matter among themselves.

4. Even though the offence under Section 324 IPC is non-compoundable offence, since both the parties belong to same village and also related, they have also settled the dispute between themselves and wants to live peacefully without any further dispute, the settlement will bring harmony between them

and will improve their future relationship, I am inclined to compound the offence.

5. In the above circumstances, the conviction and sentence imposed on the petitioners by the Courts below is set aside and the offences under Sections 147 and 324 IPC are compounded.

6. With the above observations, the Criminal Revision Case is disposed of. Crl.M.P.No.6574 of 2017 is ordered accordingly.

-s/d-

Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

mrp

To

1. The I Additional District and Sessions Judge,
Salem.
2. The learned Assistant Sessions Judge
and Chief Judicial Magistrate,
Salem.
3. The Public Prosecutor,
High Court, Chennai.
4. The Inspector of Police
Mallur Police Station
Salem District

+1 cc to M/s.M.Devaraj Advocate sr 37535

Crl. R.C. No.782 of 2014
and
Crl.M.P.No.6574 of 2014

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