

Bail Slip

The Appellant/Accused namely Jaiganesh, S/o Palani were directed to be released on bail as per the order of this court dated 19.01.2009 and made in M.P. No 1 of 2009 in Crl.A. No 5 of 2009 on the file of this Court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2017

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THE HONOURABLE MR.JUSTICE C.T.SELVAM

Criminal Appeal No.5 of 2009

Jai Ganesh
S/o.Palani

... Appellant

Vs.

State represented by
Inspector of Police,
Ranipet Police Station,
Vellore District.
Crime No.32 of 2007

... Respondent

Criminal Appeal preferred under Section 374(2) of Cr.P.C against the judgment of learned Additional District and Sessions Judge, Fast Track Court II, Ranipet, in S.C.No.354 of 2007 on 24.12.2007.

For Appellant : Mr.E.Kannadasan

For Respondent : Mr.V.Arul,

Additional Public Prosecutor

J U D G M E N T

This appeal arises against the judgment of learned Additional District and Sessions Judge, Fast Track Court II, Ranipet, passed in S.C.No.354 of 2007 on 24.12.2007.

2. The case of the prosecution is that on 21.01.2007 at about 03.00 p.m., appellant/accused, who was suffering from jaundice and not attended to by his parents, in an agitated state, picked up a quarrel and assaulted them using a stone owing to which the father of the appellant/accused suffered a head injury and died. A case was registered in Crime No.32 of 2007 on the file of respondent. Upon completion of

investigation, filing of charge sheet informing commission of offences u/s.302 and 307 IPC and pursuant to committal, the case was taken on file in S.C.No.354 of 2007 on the file of learned Additional District and Sessions Judge, Fast Track Court II, Ranipet.

3. Before the trial Court, prosecution examined sixteen witnesses and marked twenty one exhibits and seven material objects. None were examined on behalf of defence nor were any exhibits marked.

4. On appreciation of materials before it, trial Court, under judgment dated 24.12.2007, convicted the appellant/accused for offences u/s.326 and 304(ii) IPC and sentenced him to 7 years R.I. and fine of Rs.1,000/- i/d 1 month R.I. for each of the offences. Trial Court directed that the sentences run concurrently. The present appeal in C.A.No.5 of 2009 has been moved after condonation of delay and only in the year 2009.

5. Heard learned counsel for appellant and learned Additional Public Prosecutor.

6. Learned counsel for appellant submits that the appeal was moved at the instance of mother of appellant/PW-2 in the case.

7. Though this Court finds no error in the finding of conviction, this Court considers it appropriate to interfere on the question of sentence. In the present case and as reflected in the very charge, appellant, in anguished state arising out of his serious ailment of jaundice not attended to by his parents, had picked up a quarrel with them and in an agitated state, picked up a stone lying at the place and used it to cause blows to them with an unfortunate outcome that his father died as a result of suffering a head injury. It is brought to notice that the appellant/accused has undergone sentence for a period of two years and one month. Fine imposed has also been paid.

8. In the particular circumstances of the case, this Court even while confirming the finding of conviction for offences u/s.326 and 304(ii) IPC, would reduce the sentence to the period already undergone.

The Criminal Appeal is disposed of with the above modification.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

gm

To

1. The Additional District and Sessions Judge,
Fast Track Court II,
Ranipet.
 2. The Judicial Magistrate
No II, Walajpet.
 3. The Chief Judicial Magistrate
Vellore.
 4. The Superintendent, Central Prison
Vellore.
 5. The Inspector of Police,
Ranipet Police Station,
Vellore District.
 6. The District Collector
Vellore.
 7. The Director General of Police
Mylapore, Chennai.
 8. The Public Prosecutor,
High Court, Madras.
- +1 CC to Mr.E. Kannadasan, Advocate sr 47542.

Criminal Appeal No.5 of 2009

SSI(CO)
sp(16/08/2017)

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