

**Bail Slip**

Petitioner/Accused Viz., M.Nelson, S/o.Muthayan Nadar aged about 67 years was released on bail dated 9.6.2016 made in Crl.MP(MD) No.4387 of 2016 in Crl.R.C(MD)346 of 2016 of this Honourable Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMED

Crl.R.C.(MD)Nos.346 & 616 of 2016

M.Nelson ... Petitioner in both revisions

Vs.

1.M.Joseph Bright Sing ...1st Respondent in Crl.RC(MD)No.616/2016 &
Sole Respondent in Crl.RC(MD)NO.346/16

2.The State of Tamil Nadu,
Rep.by the Public Prosecutor,
Nagercoil,
Kanyakumari District.

... 2nd Respondent in Crl.R.C.(MD)No.616 of 2016

PRAYER in Crl.R.C.(MD)No.346 of 2016: The Petition filed under Section 397 r/w 401 of Cr.P.C. to call for the records against the Judgment dated 31.03.2016 made in C.A.No.36 of 2014 on the file of the Sessions Judge Kanyakumari at Nagercoil confirming the Judgment dated 18.07.2014 made in S.T.C.No.583 of 2012 on the file of the Judicial Magistrate No.1, Kuzhithurai and set aside the same as illegal and allow the above criminal revision.

PRAYER in Crl.R.C.(MD)No.616 of 2016: The Petition filed under Section 397 r/w 401 of Cr.P.C. to call for the records against the Judgment dated 31.03.2016 made in Crl.R.C.No.23 of 2014 on the file of the Sessions Judge Kanyakumari at Nagercoil modifying the Judgment dated 18.07.2014 made in S.T.C.No.583 of 2012 on the file of the Judicial Magistrate No.1, Kuzhithurai and set aside the same as illegal and allow the above criminal revision.

For Petitioner : Mr.J.Sulthan Basha

For R1 : Mr.C.Muthusaravanan

For R2 : Mr.T.Mohan, Additional Public Prosecutor

**COMMON ORDER**

The Criminal Revision in Crl.R.C.(MD)No.346 of 2016 has been filed to call for the records against the judgment dated 31.03.2016 made in C.A.No.36 of 2014 on the file of the Sessions Judge Kanyakumari at Nagercoil, confirming the judgment dated 18.07.2014 made in S.T.C.No.583 of 2012 on the file of Judicial Magistrate No.1, Kuzhithurai and Criminal Revision in Crl.R.C.(MD)No.616 of 2016 has been filed to call for the records against the Judgment dated 31.03.2016 made in Crl.R.C.No.23 of 2014 on the file of the Sessions Judge Kanyakumari at Nagercoil modifying the Judgment dated 18.07.2014 made in S.T.C.No.583 of 2012 on the file of the Judicial Magistrate No.1, Kuzhithurai and set aside the same and allow the above Criminal Revision petitions.

2.The learned counsel for the petitioner in both revisions is present. The petitioner herein is the accused in S.T.C.No.583 of 2012 and he was convicted by the Trial Court and the petitioner / accused preferred an appeal in C.A.No.36 of 2014. The de facto complainant preferred a revision before the Sessions Court for enhancement of punishment awarded in S.T.C.No.583 of 2012 and it was also ordered. As against the judgment of the Appellate Court and also revision of Sessions Court, the present revisions are filed by the petitioner / accused.

3.Both Criminal Revisions were referred to mediation and both parties were appeared before the mediation centre along with their counsels and both parties have entered into an agreement and the matter is settled between the parties before the mediation. The mediation report along with the mediation agreement, dated 04.09.2017 are also received by this Court.

4.In view of the mediation agreement entered into between the parties, this Court is inclined to allow the criminal revision cases by setting aside the judgment of conviction passed by the Court below.

5.Accordingly, the Criminal Revision Cases are allowed, setting aside the orders passed by the Court below in C.A.No.36 of 2014 and Crl.R.C.No.23 of 2014. The mediation agreement shall form part of this order. Fine amount of Rs.3,000/- already paid by the petitioner is ordered to refund to the petitioner by the Trial Court.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The Sessions Judge,
Kanyakumari at Nagercoil.



2.The Judicial Magistrate No.1,
Kuzhithurai, Kanyakumari.

3.-Do-Thro' The Chief Judicial Magistrate,
Kanyakumari.

WEB COPY

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

5.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.AJMAL ASSOCIATES in SR. No. 81603

GNS/RMI

JS/MR.KKR/SAR.4/31.10.2017/3P-7C

Crl.R.C. (MD) Nos.346 & 616 of 2016
04.10.2017