

Bail Slip

Crl.A.No.154 of 2011:

The Appellant/Accused No.2 Viz., Selvam, S/o Viswanathan in S.C.No.74/06 on the file of Sessions Judge, Mahila Court, Perambalur was directed to be released on bail as per order of this Court dated 26.03.2009 made in M.P.No.1 of 2011.

Crl.A.No.447 of 2008:

The Appellant/Accused No.1 Kolanchi @ Kolanchinathan S/O Viswanathan, in S.C.No.74 of 2006 on the file of Sessions Judge, Mahila Court, Perambalur was directed to be released on bail as per order of this Court dated 26.03.2009 made in M.P.No.1 of 2008.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[Reserved on : 31.10.2018]

[Pronounced on : 02.11.2018]

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.A.No.154 of 2011
and
Crl.A.No.447 of 2008

Selvam

... Appellant in Crl.A.No.154 of 2011/A.2

Kolanchi @ Kolanchinathan
2008/A.1

.. Vs ..

State by, Inspector of Police,
Udayarpalayam Police Station,
Perambalur District.
Crime No.228 of 2005.

... Respondent in both
Crl.As./Complainant

Prayer in both Crl.As: Criminal Appeals filed under Section 374 (2) of Cr.P.C. against the judgment dated 14.05.2007 passed by the learned Sessions Judge, Mahila Court, Perambalur, in

S.C.No.74 of 2006 convicting the appellants for the offence under Section 304 (Part II) r/w. Section 34 of IPC and sentencing them to undergo 7 years Rigorous Imprisonment in respect of the said charge.

In both CrI.As.

For Appellants : Mr.A.Ilangovan,
Legal Aid Counsel

For Respondent : Mrs.V.Saratha Devi
Government Advocate (CrI.Side)

COMMON JUDGMENT

The convicted accused are the appellants herein.

2. The appellants in both the criminal appeals are A.2 and A.1 respectively in S.C.No.74 of 2006 on the file of the learned Sessions Judge, Mahila Court, Perambalur, and both of them were convicted for the offence under Section 304 (Part II) r/w. 34 of IPC and sentenced them to undergo 7 years Rigorous Imprisonment. As against the said conviction and sentence passed by the trial Court, the first accused in S.C.No.74 of 2006 had preferred Criminal Appeal No.447 of 2008 and the second accused in S.C.No.74 of 2006 had preferred Criminal Appeal No.154 of 2011.

3. Mr.A.Ilangovan, learned Legal Aid Counsel appearing for the appellants in both the criminal appeals/A.2 and A.1 respectively would contend that the trial Court has not considered the evidence in a proper perspective and hence, the order of conviction passed by the trial Court is erroneous in law and prayed for acquittal of the appellants herein.

4. Learned Government Advocate (CrI.Side) appearing for the respondent has submitted that the appellants in both the criminal appeals/A.2 and A.1 respectively have already undergone the sentence imposed by the trial Court and she has also produced two letters sent by the Jail Superintendent, Central Prison, Trichy, to the Inspector of Police, Udayarpalayam police station, Ariyalur District, in Letter Nos.18513/Tha.Ku.2/2018, dated 30.10.2018 stating that the convicted first accused, who is the appellant in CrI.A.No.447 of 2008, namely, Kolanchi @ Kolanchinathan was in jail from 29.12.2005 to 04.08.2006 (totally 219 days) as under trial prisoner and after passing the judgment of conviction on 14.05.2007, he was under imprisonment as a convict and by exercising the power under the Tamil Nadu Prison Manual, he was given remission of 429 days and thereupon, he was released from the jail on 02.08.2012. Further, the

convicted second accused, who is the appellant in CrI.A.No.154 of 2011, namely, Selvam was in jail from 29.12.2005 to 04.08.2006 and from 25.10.2006 to 03.05.2007 (totally 420 days) as under trial prisoner and after passing the judgment of conviction on 14.05.2007, he was under imprisonment as a convict and by exercising the power under the Tamil Nadu Prison Manual, he was given remission of 497 days and thereupon, he was released from the jail on 05.11.2011. The said letters of the Tamil Nadu prison Department are hereby recorded.

5. In view of the fact that the convicted accused in S.C.No.74 of 2006 in respect of Crime No.228 of 2005/appellants herein have already undergone the sentence, nothing survives to be adjudicated in both these criminal appeals and hence, recording the said submission made by the learned Government Advocate, both the Criminal Appeals are closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

Jrl

To

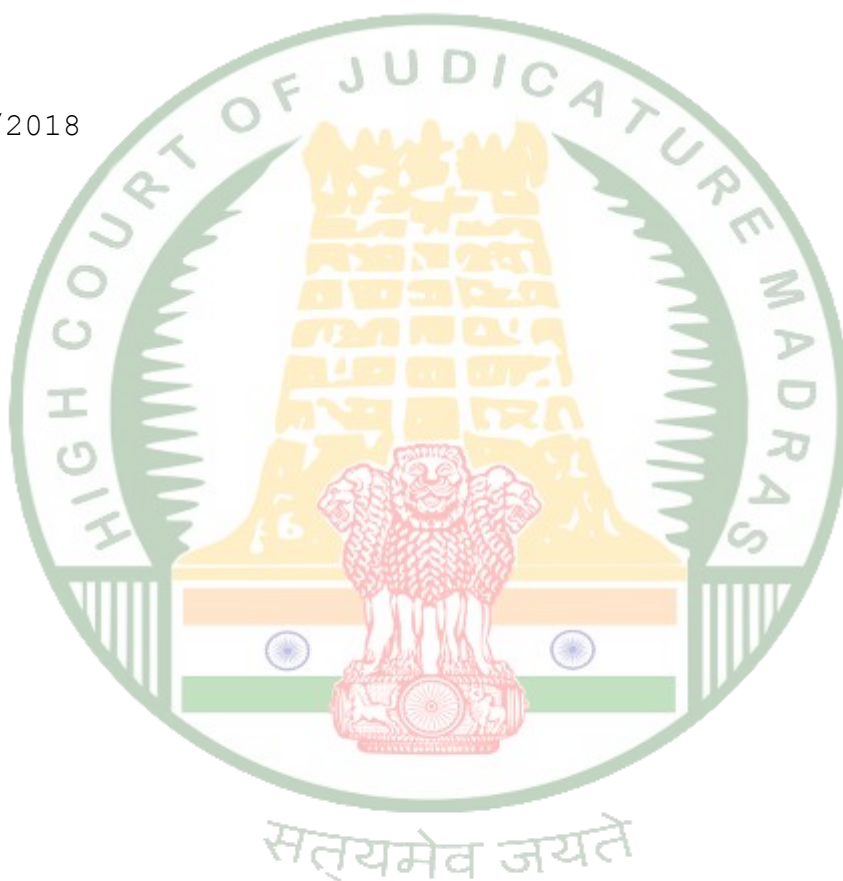
1. The Sessions Judge,
Mahila Court,
Perambalur.
2. The Inspector of Police,
Udayarpalayam Police Station,
Perambalur District.
3. The Superintendent,
Central Prison, Trichy.
4. The Judicial Magistrate,
Udayarpalayam, Perambalur District.
5. The Chief Judicial Magistrate,
Perambalur.

6. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.A.Ilangovan, Advocate Sr.75537, 75536

Crl.A.No.154 of 2011
and
Crl.A.No.447 of 2008

srg 11/12/2018



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