

Bail Slip

The Petitioners/Accused Viz Arun was directed to be released on bail as per order of this Court dated 28.02.2012 and made in MP.No.1/2012 in CrI A.No.137/2012

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 20.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Criminal Appeal No.137 of 2012

Arun ... appellant / accused No.2

versus

State rep. by Inspector of Police,
E-3, Teynampet Police Station,
Chennai - 600 018. ... respondent / complainant

Prayer: Criminal Appeal filed under Section 374(2) of the Code of Criminal Procedure, against the order of conviction and sentence dated 27.01.2012 made in S.C.No.163 of 2011 by the learned Additional District and Sessions Judge [Fast Track Court No.II], Chennai.

For Appellant : Mr.R.Sathyamoorthy

For Respondent : Ms.T.P.Savitha
Government Advocate [Criminal Side]

J U D G M E N T

The present appeal has been directed against the conviction and sentence awarded by the learned Additional District and Sessions Judge [Fast Track Court No.II], Chennai in S.C.No.163 of 2011 dated 27.01.2012.

2. In the trial court, the respondent police laid a final report against the appellant for the offences under Sections 341, 326, 307, 506[i] r/w 34 of IPC. In the said case, the present appellant has been arrayed as A-2. In the course of trial proceedings, 12 witnesses were examined as P.W.1 to P.W.12 on the side of the prosecution, besides 10 documents and 3 material objects were marked as Ex.P.1 to Ex.P.10 and M.O.1 to M.O.3 respectively, after adopting all formalities as enumerated in Chapter XVIII of the code of Criminal Procedure.

3. After concluding the trial, the learned Additional District and Sessions Judge [Fast Track Court No.II], Chennai, came to the conclusion that the appellant is found guilty for the offence under Section 326 of IPC. Accordingly, the appellant was convicted and sentenced to undergo 3 years simple imprisonment with a fine of Rs.3,000/-, in default to undergo further period of 3 months simple imprisonment. Challenging the conviction and sentence, the appellant is before this court with the present criminal appeal.

4. Today when the appeal is taken up for consideration, the appellant and the victim/injured in this case, namely, Selvaraj, present before this Court and filed a compromise memo stating that the dispute between them was settled due to the efforts made by the elderly persons.

5. The learned counsel appearing for the appellant submitted that the dispute between the parties was amicably settled. He further submitted that the de facto complainant has also stated in his affidavit that he has no objection to allow this appeal filed by the appellant.

6. However, the learned Government Advocate [Criminal Side] appearing for the State opposed the contention raised by the learned counsel appearing for the appellant and wanted to dismiss this appeal on merits.

7. Now, following the dictum laid down by our Honourable Apex Court in the case of CENTRAL BUREAU OF INVESTIGATION vs. SADHU RAM SINGLA & OTHERS reported in (2017) 5 SCC 350. It was held depending on the attendant facts, continuance of the criminal proceedings, after a compromise has been arrived at between the complainant and the accused, would amount to abuse of process of Court and an exercise in futility, since the trial would be prolonged and ultimately, it may end in a decision which may be of no consequence to any of the parties.

8. Considering the facts and circumstances of the case and considering the fact that the de facto complainant and the appellant have amicably settled the dispute by entering into a compromise, I am of the opinion that the appeal filed by the appellant pending before this Court has to be disposed of by setting aside the conviction and sentence awarded by the trial Judge. Further, it is unnecessary to drag on the proceedings of the present case, which would put accused to great oppression and prejudice and extreme injustice would be caused to him.

9. In the light of the above discussion, I am of the view that this is the fit case for recording the compromise and

accordingly, the compromise made between the appellant and the respondent is recorded. In fine, this Criminal Appeal is allowed, the conviction and sentence imposed upon the appellant by the learned Additional District and Sessions Judge [Fast Track Court No.II], Chennai, in S.C.No.163 of 2011, dated 27.01.2012 are hereby set aside and the appellant is acquitted. Bail bonds executed, if any, shall stand terminated. Fine amount paid, if any, is directed to be refunded to the appellant.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

To

- 1.The Additional District and Sessions Judge
[Fast Track Court No.II], Chennai.
- 2.The Inspector of Police,
Government of Tamil Nadu,
E-3, Teynampet Police Station,
Chennai - 600 018.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.
4. The Section Officer,
Criminal Section,
High Court, Chennai-104.

Criminal Appeal No.137 of 2012

MP (CO)
SMI/21.08.2018

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