

Bail Slip

CRL.A.842/12

The Appellant/Accused Nos 2 & 3, viz., 1.Rajkumar, S/o.Karunakaran, aged about 25 years 2.Stalin, S/o.Kuppan, aged about 35 years, are directed to be released on bail as per order of this court dated 05.12.12 in MP.1/12 in CRL.A.NO.842/12.

CRL.A.432/2013

The Appellant/Accused No.1, viz., Segar @ Sankar, S/o.Ramalingam @ Ramayan, aged about 36 years, directed to be released on bail as per order of this court dated 21/06/13 in MP.1/13 in Crl.A.432/13

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.KALAIYARASAN

Crl.A.Nos.842 of 2012 and 432 of 2013

1.Rajkumar

2.Stalin ... Appellants in Crl.A.842/12/Accused 2 & 3

Segar @ Sankar ... Appellant in Crl.A.432/12/Accused 1

Vs

State by

Inspector of Police,

Kottuchery Police Station,

Karaikal, Puducherry.

Cr.No.82/2007

... Respondent in both Crl.A. /Complainant

Crl.A.No.842 of 2012 : Criminal Appeal filed under Section 374 of Cr.P.C. to set aside the conviction and sentence imposed on the petitioners in S.C.No.27 of 2012 dated 30.11.2012 by the learned Additional Sessions Judge, Karaikkal, Puducherry.

Crl.A.No.432 of 2013 : Criminal Appeal filed under Section 374 [2] of Cr.P.C. to set aside the conviction and sentence imposed against the appellant on 30.11.2012 in S.C.No.27 of 2012 by the learned Additional Sessions Judge, Karaikkal, Puducherry and acquit the appellant.

For Appellant : Mr.P.Anbazhagan
in Crl.A.842/12
For Appellant : Mr.P.Pugalenth
in Crl.A.432/12
For Respondent : Ms.Devie Soccalingame
in both Crl.A. Govt. Advocate [Crl. Side]

C O M M O N J U D G M E N T

These Criminal Appeals are directed against the judgment of the the learned Additional Sessions Judge, Karaikkal, dated 30.11.2012 in S.C.No.27 of 2012, convicting the accused 1 to 3 and sentenced to undergo RI for 1 year and to pay a fine of Rs.1,000/- each, in default to undergo SI for 3 months for the offences under Section 324 of IPC.

2.Criminal Appeal No.842 of 2012 has been filed by A2 and A3 and Criminal Appeal No.432 of 2013 has been filed by A1. Therefore, common judgment is delivered.

3.The case of the prosecution is that the appellants in both the appeals/A1 to A3 along with two others, due to political enmity, at 22.00hrs on 27.06.2007, in front of Government Girls High School, Vellai Pillaiyar Koil Street, Kottucherry, in furtherance of common intention, attempted to commit murder of P.W.1, by attacking him with iron rods and wooden log, with such intention or knowledge and under such circumstances, had their act caused death of P.W.1, they would have been guilty of murder and thus, they committed offence under Section 307 of IPC r/w 34 of IPC. Within 30 minutes of the alleged occurrence, P.W.1 lodged the complaint. Subsequently, he was treated by the Doctor within 15 minutes. P.W.1 has categorically deposed corroborating the complaint about the occurrence that he was attacked by A1 to A3 with deadly weapons and caused simple injuries. The Doctor who treated P.W.1, has been examined as P.W.6 and his evidence corroborates as to the injuries spoken by P.W.1.

4.Though the appellants in both the appeals have raised so many grounds in the memorandum of appeal, the learned counsel appearing for the appellants in both the appeals confined their arguments, with respect to sentence alone and therefore, this Court need not dwell upon the facts of the case in detail.

5.The learned counsel for the appellants in both the appeals argued that the appellants had been in custody for 118 days in this case and now they are aged between 30 and 40 years, that they are only breadwinners of their families and therefore, sentence may be modified.

6.Ms.Devie Soccalingame, learned Government Advocate [Crl. Side], Puducherry argued that the trial Court, after considering the entire circumstances, has rightly convicted and sentenced the accused and the same need not be interfered with.

7.The appellants have been convicted for the offence under Section 324 of IPC and sentenced to undergo RI for 1 year and to pay a fine of Rs.1,000/- with default clause. Already the appellants had been in custody, as under trial prisoners and convicts for 118 days. Considering the age of the appellants, the fact that the appellants are the only breadwinners for their families, this Court is of the view that modifying the sentence with the period already undergone, will serve the ends of justice.

8.In the result, these Criminal Appeals are partly allowed, confirming the conviction imposed on the appellants/accused by the learned Additional Sessions Judge, Karaikkal, dated 30.11.2012 in S.C.No.27 of 2012, for the offence under Section 324 of IPC and modifying the sentence as follows :

"The appellants in both the appeals/A1 to A3 are sentenced to undergo RI for 118 days i.e. the period already undergone by them and to pay a fine of Rs.1,000/- each for the offence under Section 324 of IPC [fine already paid]"

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

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To

1.The Judicial Magistrate No.II,
Karaikal,
Puducherry.

2.The Chief Judicial Magistrate,
Pondicherry.

3.The Additional Sessions Judge,
Karaikkal,
Puducherry.

4.The Superintendent,
Central Prison,
Cuddalore.

5.The Officer Incharge,
Sub Jail,
Karaikal.

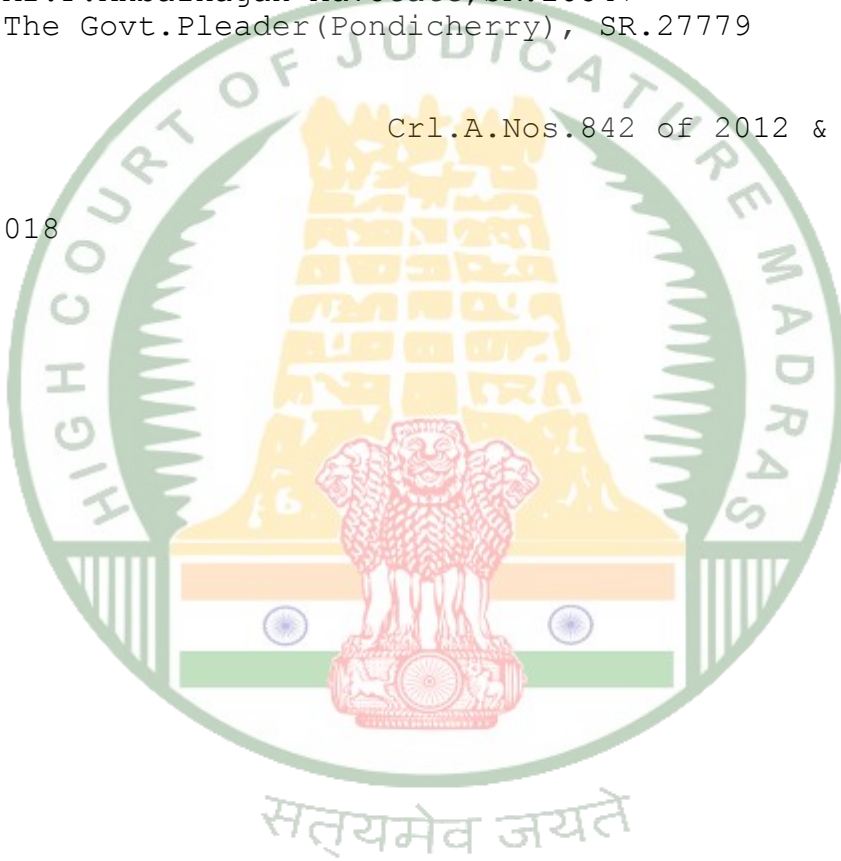
6.Inspector of Police,
Kottuchery Police Station,
Karaikal.

7.The Public Prosecutor(Puducherry)
High Court, Madras.

+ 1 cc to Mr.P.Anbazhagan Advocate,SR.28547
+ 1 cc to The Govt.Pleader(Pondicherry), SR.27779

Crl.A.Nos.842 of 2012 & 432 of 2013

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