



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Appellate Jurisdiction)

Tuesday, the Twenty Fifth day of September, Two thousand and
Eighteen

PRESENT

THE HON'BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON'BLE MR JUSTICE N.SATHISH KUMAR

CRL A(MD) Nos.322 and 364 of 2015 and 8, 13 and 204 of 2016

WEB COPY

ABBAS MARAIKAYAR

...Appellant / Accused No.4 in CRL A(MD) No.322 / 2015

RAJA @ MAHARAJAN

... Appellant / Accused No.3 in CRL A(MD) No.364 / 2015

P. MARIMUTHU

...Appellant / Accused No.2 in CRL A(MD) No.8 / 2016

VELLIYAN @ CHINNATHURAI

...Appellant / Accused No.5 in CRL A(MD) No.13 / 2016

ARUMUGAM

...Appellant / Accused No.7 in CRL A(MD) No.13 / 2016

LAKSHMANAN

...Appellant / Accused No.9 in CRL A(MD) No.204 / 2016

Vs.

State rep. by

THE INSPECTOR OF POLICE THOOTHUKUDI SOUTH POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO. 01 OF 2012)

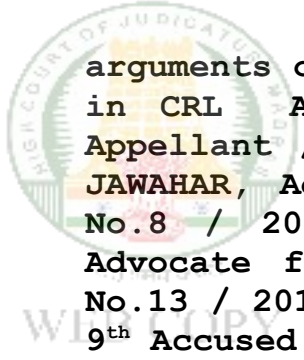
... Respondent / Complainant in All Cases

Common Prayer:

Criminal Appeals are filed under Sec.374(2) of Criminal Procedure Code praying this Court to call for records in S.C. No.85 of 2013 dated 04.09.2015 on the file of the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi District and set aside the conviction and sentence.

Order:

These Appeals are coming on for hearing on this day, upon perusing the Grounds of Appeal and the records of the evidence and proceedings before the Court of Sessions and upon hearing the



arguments of Mr.S.MANOHAR, Advocate for the Appellant / 4th Accused in CRL A(MD) No.322 / 2015, Mr.S.RAMASAMY, Advocate for the Appellant /3rd Accused in CRL A(MD) No.364 / 2015, Mr.A.JOSEPH JAWAHAR, Advocate for the Appellant /2nd Accused in CRL A(MD) No.8 / 2016, Mr.V.KATHIRVELU, Senior Counsel for Mr.K.PRABHU, Advocate for the Appellants /5th and 7th Accused in CRL A(MD) No.13 / 2016 and Mr.A.THIRUVADIKUMAR, Advocate for the Appellant / 9th Accused in CRL A(MD) No.204 / 2016 and of Mr.K.CHELLAPANDIAN, Additional Advocate General, Assisted by Mr.R.ANAND RAJ, Additional Public Prosecutor for the respondent in All Cases, it is ordered as follows :

1. that these Criminal Appeals be and hereby are allowed;
2. that the conviction and sentence imposed on the appellants / accused No.4,3,2,5 & 7 and 9 by Judgment dated 04.09.2015, made in S.C.No.85 of 2013 by the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi District, be and hereby is set aside ;
3. that the appellants / accused Nos.4,3,2,5 & 7 and 9 in CRL A (MD) Nos.322 and 364 of 2015 and 8, 13 and 204 of 2016, respectively viz, namely (1). ABBAS MARAIKAYAR S/O. ISMAIL, male Aged about 25 years, (2). RAJA @ MAHARAJAN S/O. NEELACHANDIRAN, male Aged about 33 years, (3). P. MARIMUTHU S/O. POOLAIYA, male Aged about 30 years, (4). VELLIYAN @ CHINNATHURAI S/O.PONNUSAMI, male, Aged about 28 years, (5). ARUMUGAM S/O.PONNUSAMI, male, Aged about 29 years, (6). LAKSHMANAN S/O. RAMASAMY, male Aged about 27 years are acquitted;
4. that the appellants / accused Nos.4,3,2,5 & 7 and 9 in CRL A (MD) Nos.322 and 364 of 2015 and 8, 13 and 204 of 2016 be and hereby are directed to be released forthwith unless their custody is required in connection with any other case;
5. that the bail bonds if any executed by the appellants / accused Nos.4,3,2,5 & 7 and 9 in CRL A(MD) Nos.322 and 364 of 2015 and 8, 13 and 204 of 2016 and the sureties shall stand terminated;
6. that the fine amount, if any, paid by the Appellants / accused No.s4,3,2,5,7 and 9 shall be refunded to them;

(Detailed Judgment will follow)

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS-II)



To

1. The **Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi**
2. Do Thro' the Principal District Judge, Thoothukudi
3. The Judicial Magistrate No.I, Thoothukudi
4. Do Thro' the Chief Judicial Magistrate, Thoothukudi.
5. The District Collector, Thoothukudi
6. The Director General of Police, Mylapore, Chennai.
7. The Superintendent, Central Prison, Palayamkottai
8. The Superintendent of Police, Thoothukudi

9. The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi.

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

Copy to

The Section Officer/Record Keeper, Criminal Section,
Madurai Bench of Madras High Court,
Madurai (2 COPIES)

ORDER DT: 25.09.2018

ADVANCE ORDER

**CRL A(MD) Nos.322 and 364 of
2015 and 8, 13 and 204 of 2016**

Allowing the Criminal Appeals by
setting aside the conviction and
sentence awarded in S.C.No.85 of
2013 dated **04.09.2015 on the
file of the Sessions Judge,
Mahalir Neethimandram (Fast
Track Mahila Court), Thoothukudi
District** etc., as stated within.

TR/SV/SAR-II(25.09.2018)3P 13C