

BAIL SLIP

That the appellant/accused namely K.Loganathan, was released on bail dated 30.03.2012 as per order of this Court in MP No.1 of 2012 in CRL RC No.391 of 2012.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.03.2019

Coram::

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Revision Case No.391 of 2012

K.Loganathan,
S/o.Kumar,
No.7/17, Mosque Garden,
Saligaraman,
Chennai-600 093.

... Petitioner/Accused

/versus/

The Sub Inspector of Police,
W-4, All Women Police Station,
Poonamallee,
Chennai-600 056.
(Crime No.8/2009)

... Respondent/Complainant

Prayer:- Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C., to set aside the order dated 06.02.2012 passed by the Hon'ble Additional Sessions Cum Fast Track Court No.II at Poonamallee in C.A.No.53 of 2011, confirming the order of conviction and sentence passed by the Judicial Magistrate No.I at Poonamallee on 23.08.2011 in C.C.No.314 of 2009.

For Petitioner : Mr.T.Mahesh

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate

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O R D E R

This Criminal Revision Petition is preferred by one Loganathan, who was found guilty by the Courts below for offences under Sections 498-A and 323 of I.P.C. The de facto complainant is wife Kavitha. Alleging that the revision petitioner is causing harassment and dowry cruelty and had caused hurt on her left elbow, she gave the complaint to the

respondent police on 30.09.2009. After investigation, the respondent police has found that there is a prima facie material in the complaint and therefore, arrested the petitioner on 03.11.2009.

2. Before the trial Court, the prosecution has examined 6 witnesses. 5 exhibits were marked.

3. From the deposition of the de facto complainant Kavitha and her relatives PW.2 and PW.3, the prosecution has established the fact that the appellant and the de facto complainant PW.1 got married on 17.06.2009 and within one month of the marriage, the revision petitioner started harassing PW.1, demanding jewels and money. He has caused hurt to kavitha on her elbow with a karandi. Due to his habit of taking drinks, made him to behave cruelly and to demand jewels and money from Kavitha's (PW.1) family. The wound certificate issued by PW.5 would indicate that the eardrum of PW.1 was damaged, due to the attack of the appellant. Taking into consideration of the sustained torture meted by Kavitha (PW.1), the trial Court has held him guilty of offence under Section 498-A convicted and sentenced to undergo 6 months S.I and for offence under Section 323 of I.P.C, a fine of Rs.500/-, in default 2 months S.I.

4. On appeal, the Additional Session Judge, Poonamallee confirmed the sentence and conviction of the trial Court and dismissed the appeal.

5. Aggrieved by that, the accused has preferred the present revision petition before this Court.

6. When the matter was taken up for final disposal, the learned counsel appearing for the revision petitioner submitted that the revision petitioner Loganathan and his wife Kavitha the defacto complainant have buried their difference and they are now living together without any misunderstanding. In the light of the changed circumstances would submit that the conviction and sentence imposed on the revision petitioner shall be set aside. He also submitted that for nearly 40 days, the petitioner was in prison as under trial prisoner and after conviction. That period of sentence may also be taken note and appropriate justice may be done.

7. To ascertain the facts submitted by the learned counsel for the revision petitioner, the Government Advocate was asked to verify with the I.O of the respondent police and the case was adjourned.

8. Today, both the revision petitioner/Loganathan and the defacto complainant/Kavitha are present along with the I.O. It

is affirmed that, they are living together without any discord.

9. Considering the fact of the case, without advertng to the merits, this Court takes notice of the restored maternal relationship between the de facto complainant and the revision petitioner. The revision petitioner has already been in prison for nearly 40 days and paid a fine of Rs.500/- for offence under Section 323 of I.P.C. Therefore, confirming the conviction, the period of sentence already undergone shall be the period of imprisonment.

10. In the result, the Criminal Revision is Partly Allowed. Sentence for offence under Section 498-A of I.P.C is modified from 6 months S.I as period already undergone. Fine imposed for offence under Section 323 of I.P.C stands confirmed.

Sd/-

Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

To,

1. The Judicial Magistrate No.I at Poonamallee.
2. do through The Chief Judicial Magistrate, Tiruvallur.
3. The Additional Sessions Cum Fast Track Court No.II at Poonamallee.
4. The Superintendent, Central Prison, Puzhal, Chennai.
5. The Sub Inspector of Police, W-4, All Women Police Station, Poonamallee. Chennai-600 056.
6. The Public Prosecutor, High Court, Madras.

+1 cc to Mr.Mahesh, Advocate Sr.No.27396

MG(CO)
CSL/27.04.2019

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