

Bail Slip

The Petitioner/Accused Viz., Thirugnanam S/o.Ganesan was released on bail as per order of this court, dated 10.08.2012 in Crl.MP.1/2012 in Crl.RC.No.900 of 2012 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.R.C.No.900 of 2012
and Crl.M.P.No.9098 of 2019

Thirugnanam ..Petitioner/Appellant/Accused

Vs.

State represented by the
Sub-Inspector of Police,
Thiruvenkadu Police Station,
Nagapattinam District.

.. Respondent/Respondent/
Complainant

Criminal Revision filed under Section 397 r/w 401 Cr.P.C., to set aside the judgment and order dated 30.03.2012 passed in C.A.No.82 of 2010 on the file of the District and Sessions Court, Nagapattinam, modifying the judgment and order dated 28.07.2010 passed in C.C.No.25 of 2010 on the file of the Judicial Magistrate Court, Sirkali.

For Petitioner : Mr.S.Sarath Chandran
for M/s.K.M.Vijayan Associates

For Respondent : Mrs.P.Kritika Kamal
Govt. Advocate
(Crl.Side)

O R D E R

This criminal revision has been filed seeking to set aside the judgment and order dated 30.03.2012 passed in C.A.No.82 of 2010 on the file of the District and Sessions Court, Nagapattinam, modifying the judgment and order dated 28.07.2010

passed in C.C.No.25 of 2010 on the file of the Judicial Magistrate Court, Sirkali.

2. For the sake of convenience, the parties will be referred to by their name.

3. It is the case of the prosecution that on 18.11.2009, around 19.30 hours, there was a quarrel in the family of Ganesan, in which, his son Thirugnanam assaulted him.

4. On this allegation, the respondent/police registered a case in Crime No.280 of 2009 and Thirugnanam was prosecuted in C.C.No.25 of 2010 before the Judicial Magistrate Court, Sirkali, for the offence under Section 324 IPC and was convicted on 28.07.2010 and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo six months simple imprisonment.

5. The appeal in C.A.No.82 of 2010 filed by Thirugnanam, before the District and Sessions Court, Nagapattinam, was partly allowed by confirming the conviction and reducing the substantive sentence of three years rigorous imprisonment to one year rigorous imprisonment, on 30.03.2012.

6. Challenging the concurrent findings of fact arrived at by the Courts below, Thirugnanam has preferred the present revision invoking Section 397 r/w 401 Cr.P.C.

7. Heard Mr.S.Sarath Chandran, learned counsel representing M/s.K.M.Vijayan Associates, learned counsel on record for Thirugnanam and Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) for the respondent/police.

8. When the matter was taken up for hearing, the learned counsel for Thirugnanam submitted that the dispute was essentially between the father and son; they have buried the hatchet and amicably settled between themselves. He also submitted that Thirugnanam is taking care of his father Ganesan.

9. Today, Mr.N.Govindarajan, Sub-Inspector of Police, Thiruvankadu Police Station, Nagapattinam District, is present. Thirugnanam and his father Ganesan are also present before this Court.

10. Ganesan submitted that his son Thirugnanam is taking good care of him and if Thirugnanam is sent to prison, it will further create animosity and ill will in the family.

11. The parties have also filed a joint memorandum of compromise dated 27.06.2019, duly signed by them, the relevant portion of which, reads as follows:

"5. The de facto complainant further submits that due to the intervention of family members my relationship with my son is now cordial and in fact my son alone taken care of all family necessities. At the time of admission of the revision itself the de facto complainant express his willingness for compounding the complaint and even now the de facto complainant is in the same set of mind to compound the offence.

6. The de facto complainant submits that his Hon'ble Court under Section 320 Cr.P.C. may accepted the compromise with the permission of this Hon'ble Court, under Section 320 (6) in the exercise of its powers in revision under Section 401 Cr.P.C. may allow any person to compound any offence. Unless until this Hon'ble Court accept the compromise memo and compound the offence under Section 324 IPC the petitioner and the de facto complainant will be put to irreparable loss and grave hardship."

12. The amendment of Section 324 IPC came into force on 31.12.2009, whereas, the incident in question took place on 18.11.2009.

In view of the foregoing discussion, this criminal revision is allowed and the conviction of Thirugnanam for the offence under Section 324 IPC, stands compounded under Section 320 (6) Cr.P.C. As a sequel, Thirugnanam is acquitted of the said charge. The bail bond executed by Thirugnanam shall stand cancelled. Fine amount, if any, paid by Thirugnanam shall be refunded. Connected Crl.M.P. is also allowed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

nsd

To

1. The District and Sessions Judge,
Nagapattinam.

2.The Judicial Magistrate,
Sirkali.

3.The Sub-Inspector of Police,
Thiruvankadu Police Station,
Nagapattinam District.

4.The Deputy Registrar,
(Crl.Side)
Madras High Court,
Chennai - 104.

} with a direction to return
the original records to the
Courts below concerned

5.The Public Prosecutor,
High Court, Madras-104.

6.The Chief Judicial Magistrate,
Nagapattinam (for information).

Copy to: The Section Officer,
Criminal Section,
Madras High Court,
Chennai-104.

+1cc to Mr.K.M.Vijayan Associates, Advocate SR.98303

Crl.R.C.No.900 of 2012

SPD(CO)
CB(09/01/2020)