

Bail Slip

The Appellants/Accused namely, Neelakandan S/o.Muthukumar and Puliprabhakaran S/o.Muthukumar was directed to be released on bail as per order of this Court dt.06.05.2009 in MP.1/2009 in Crl.A(MD) No.117 of 2009

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD)No.117 of 2009

1.Neelakandan

2.Puliprabhakaran

... Accused 1 and 2/Appellants

Vs

The State,
Rep. by Inspector of Police,
Avudaiyarkoil Police Station,
Avudaiyarkoil,
Pudukottai District.

... Complainant/Respondent

PRAYER: Criminal Appeal is filed under Section 374 of Cr.P.C., to set aside the Judgment of conviction and sentence of the learned Fast Track Court, Additional District and Sessions Judge, Pudukkottai, dated 22.04.2009 in S.C.No.196 of 2008 and acquit the appellants of all the charge.

For Appellants

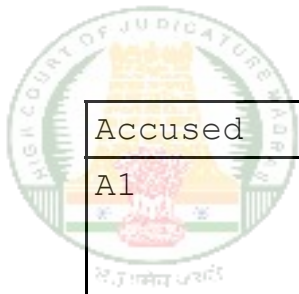
: Mr.A.Prasanna Rajadurai
for Mr.S.Muthalraj

For Respondent

: Mr.A.Robinson
Government Advocate (Crl.side)

JUDGMENT

The appellants were convicted and sentenced vide Judgment dated 22.04.2009 in S.C.No.196 of 2008 on the file of the Fast Track Court, Additional District and Sessions Judge, Pudukkottai, as follows:-



Accused	Penal Provisions	Punishment
A1	294b IPC	To pay a fine of Rs.500/-, in default, to undergo one month simple imprisonment.
	324 IPC	To undergo one year rigorous imprisonment with fine of Rs.3,000/-, in default, to undergo, six months rigorous imprisonment.
A2	324 r/w 34 IPC	To undergo one year rigorous imprisonment with fine of Rs.3,000/- in default to undergo three months rigorous imprisonment.

Challenging the same, this appeal has been filed.

2.When the matter was taken up for hearing, the learned counsel appearing for the appellants submitted that having regard to the evidence on record, they would not challenge the finding of guilt and that they would be satisfied, if sentence of imprisonment is set aside.

3.It is seen that during the pendency of this appeal, the appellants have settled the matter with the defacto complainant. Today, the defacto complainant Kannan is present before me. He sated that the appellants have paid a sum of Rs.25,000/- as compensation to him. In fact, a compromise memo has also been entered into between the parties. The learned counsel appearing for the appellants points out that even though Section 324 of IPC is a non compoundable offence, still the Hon'ble Supreme Court in Criminal Appeal No(S).1090 of 2019, dated 22.07.2019, permitted the compounding of an offence at the appellate stage. I am confirming the conviction imposed on the appellants. I am only setting aside the sentence taking note of the subsequent



developments.

4.In this view of the matter, even while sustaining the conviction imposed on the appellants, the sentence of imprisonment alone is set aside. The original compromise memo entered into between the parties is taken on record. The criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

Encl:Xerox copy of joint compromise memo

rmi

To

1 THE ADDITIONAKL DISTRICT AND SESSIONS JUDGE,
FAST TRACK COURT,PUDUKKOTTAI

2 THE PRINCIPAL DISTRICT JUDGE, PUDUKKOTTAI

3.THE JUDICIAL MAGISTRATE, ARANTHANGI

4 THE SUPERINTENDENT OF POLICE, PUDUKKOTTAI

5.THE SUPERINTENDENT,CENTRAL PRISON, TRICHIRAPPALLI.

6 THE INSPECTOR OF POLICE, AVUDAIYAKOIL POLICE STATION
AVUDAIYARKOIL, PUDUKOTTAI DISTRICT

7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SECTION OFFICER, CRIMINAL SECTION,-2 copies
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1 cc to Mr.NA.PALANIYANDI , Advocate SR.No.80919

Crl.A(MD)No.117 of 2009

09.08.2019

(2/2)

KM/(30.01.2020) 3P 11C