

Bail Slip

James @ James Arokiyadoss, M/30 years was released on bail vide order of this Court, dated 03.12.2012 made in MP(MD).No.1/2012 in Crl.A(MD).No.256/2012 (Accused not in Jail)

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. A.(MD)No.256 of 2012

James @ James Arokiyadoss ... Appellant/Accused No.1

Vs.

State rep. through,
The Inspector of Police,
Manaparai Police Station,
Trichy District.
(Crime No.21 of 2011)

... Respondent/Complainant

Prayer : This Criminal Appeal is filed under Section 374 of Cr.P.C., to set aside the Judgment of the II Additional District and Sessions Judge, Thiruchirappalli, dated 06.11.2012 in S.C. No.163 of 2011 by acquitting the appellant herein.

For Appellant : Mr.T.Senthilkumar

For Respondent : Mr.A.Robinson,
Government Advocate(Crl.Side)

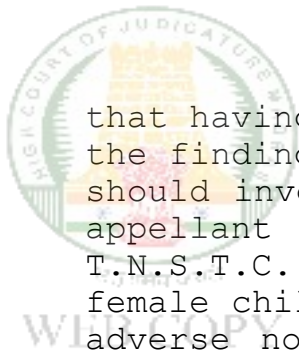
JUDGMENT

The appellant James @ James Arokiyadoss was convicted for the offence under Section 324 of I.P.C., and sentenced to undergo 1 year Rigorous Imprisonment and also levied with a fine of Rs.500/- vide Judgment dated 06.11.2012 in S.C.No.163 of 2011. Aggrieved by the same, this appeal came to be filed.

2. Heard the learned counsel on either side.

3. This is a case that involved causing an injury to Thiru.Baskar/P.W.1. When the appeal was taken up for hearing, Thiru.Baskar/P.W.1 appeared before me in person and stated that he is related to the appellant and that he does not want the appellant to go to jail or to suffer any adverse consequence. He states that now goodwill is prevailing between them and this Court can take an indulgent view in the matter.

4. The learned counsel appearing for the appellant submitted
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that having regard to the evidence on record, he would not challenge the finding of guilt. But then, he would only plead that this Court should invoke Section 4 of the Probation of Offenders Act 1958. The appellant is also present before me and he is now working in T.N.S.T.C. as a mechanic. The appellant is married and is having a female child aged about 1 year. The appellant has not come under the adverse notice of the police after this occurrence. It is stated that he is not having bad antecedents. The case on hand appears to be a solitary occurrence that had taken place during the course of a Church festival.

5. Even though the appellant has been found guilty of the offence, I am of the opinion that having regard to the circumstances of the case including the nature of the offence and the character of the appellant, it is expedient to release him on proof of good conduct. The proviso to Section 4 of the Probation of Offenders Act states that the Court shall not direct such release of an offender unless it is satisfied that the offender or his surety, if any, has a fixed place of abode or regular occupation in the place over which the Court exercises jurisdiction or in which the offender is likely to live during the period for which he enters into the bond.

6. The appellant is working as Junior Grade Mechanic in T.N.S.T.C., Kumbakonam Ltd., and his place of work is in Trichy Town. This is evident from the I.D. Card issued by the Managing Director of the State Government Undertaking, I am of the view that it is not necessary to insist that the petitioner to execute a bond. I am showing indulgence by taking note of the fact that the appellant is working in a State Government undertaking. The appellant has been dealt with under the provisions of Section 4 of the Probation of Offenders Act 1958. Even though he has been found guilty of the offence, he shall not suffer any disqualification attaching to conviction of an offence. It is once again made clear that the appellant shall not be visited with any adverse or negative consequence in his service on account of his having been found guilty in the case on hand.

7. The Criminal Appeal stands disposed of, accordingly. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

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To

1. The II Additional District and Sessions Judge,
Thiruchirappalli.

2. Do through the Principal District and Sessions Judge,
Trichy.

3. The Judicial Magistrate, Manapparai.

4. Do through the Chief Judicial Magistrate, Trichy District.

5. The Inspector of Police, Manapparai Police Station,
Trichy District.

Copy to:

The Section Officer, Criminal Section, (Records) (2 Copies)
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.SENTHIL KUMAR, Advocate (SR-79602[F] dated
05/08/2019)

Crl. A.(MD)No.256 of 2012
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JMN(06.02.2020) 3P : 9C