



BAIL SLIP

Jeevanandham, Appellant / Accused No.1 S/o. Lakshmanan, is released on Bail vide court order dated 05.07.2011 made in MP(MD) No.1 of 2011 in CRL A(MD)No.106 of 2011.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A.(MD)No.106 of 2011

Jeevanandham

... Appellant/Accused No.1

Vs

State represented by
The Assistant Commissioner of Police,
Thilagar Thidal (L&O),
Karimedu Police Station,
In Cr.No.634/07,
Madurai District.

... Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 374 of Cr.P.C., to call for the records relating to the Judgment passed in S.C.No.357 of 2008, dated 16.03.2011 on the file of the learned Sessions Court/Mahila Court/ Mahalir Court, Madurai and set aside the same and acquit the appellant/accused of the charge levelled against him.

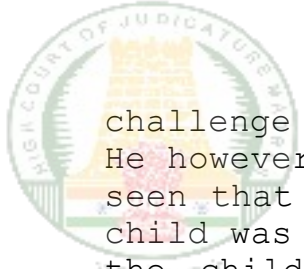
For Appellant : Mr.R.Venkateswaran

For Respondent : Mrs.S.Bharathi
Government Advocate (Crl.side)

JUDGMENT

The appellant and his parents faced trial in S.C.No.357 of 2008 on the file of the Mahila Court, Madurai, for the offences under Sections 498A and 304 (b) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act. Vide Judgment dated 16.03.2011, A2 and A3 that is parents of the appellant were acquitted of all the charges. The petitioner was found guilty in respect of the offence under Section 498 A of IPC and sentenced to two years rigorous imprisonment and acquitted in respect of the other charges. He was also fined Rs.5000/-. Challenging the same, this appeal has been filed.

2. When the matter was taken for hearing, the learned counsel appearing for the appellant submitted that he would not



challenge the conviction, having regard to the evidence on record. He however pleaded for leniency in the matter of punishment. It is seen that the appellant got married to Deepa @ Banu Priya. A male child was born on 22.12.2005. The petitioner's counsel states that the child is with the appellant alone. The appellant has not remarried till date. The appellant's counsel submitted that if the appellant is sentenced to imprisonment, there will be nobody to take care of the child. The appellant had spent about 90 days in prison. Therefore, taking note of the mitigating circumstances, even while sustaining the conviction imposed on the appellant, the sentence of two years rigorous imprisonment imposed on the appellant is modified and reduced to the period already undergone.

3. With this modification in the matter of sentence, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

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To

1. THE SESSIONS COURT
MAHILA COURT, MAHALIR COURT, MADURAI.

2. THE JUDICIAL MAGISTRATE, NO.V, MADURAI.

3. ASSISTANT COMMISSIONER OF POLICE
THILAGAR THIDAL (L& O), KARIMEDU POLICE STATION, MADURAI DIST

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

COPY TO

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

+1CC TO MR.R.VENKATESWARAN, Advocate Sr. No. 74410

Crl.A. (MD) No.106 of 2011
08.07.2019

DB (CO)

TR (19.08.2019) 2P 8C