

**Bail Slip**

1. Shanmugavel, S/o. Sivasubbu, male aged about 34/2012 years,
2. Gladson, S/o. Raja Singh, male, aged about 32/2012 years and
3. Muthukumar, S/o. Murugan, male, aged about 38/2012 years were
released on bail vide Court order dated 14.08.2012 and 08.03.2019
made in MP(MD)No.1 of 2012 and CrI.MP(MD).No.1449 of 2019 in CrI.A
(MD)No.171 of 2012 respectively.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.A. (MD)No.171 of 2012

1. Muthukumar
2. Shanmughavel
3. Gladson

... Appellants/Accused Nos.1 to 3

Vs

State represented by,
The Inspector of Police,
Athoor Police Station,
Tuticorin District.

... Respondent/Complainant

PRAYER: Appeal filed under Section 374 of Criminal Procedure Code, to set aside the Judgment dated 20.07.2012 passed in S.C.No.101 of 2012 on the file of the II-Additional Sessions Judge, Thoothukudi and acquit the appellants/accused Nos.1 to 3 of all charges.

For Appellants : Mr.J.Ashok
for M/s.Jeyapaul Associates

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

JUDGMENT

The appellants were convicted and sentenced vide Judgment dated 20.07.2012 in S.C.No.101 of 2012 on the file of the Second Additional Sessions Judge, Thoothukudi, as follows:-

Accused	Penal Provisions	Punishment
A1	326 IPC	To undergo three years rigorous imprisonment with fine of Rs.500/-, in default to undergo six months simple imprisonment.



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A2 and A3	326 IPC	To undergo three years rigorous imprisonment with fine of Rs.500/-, in default, to undergo, six months simple imprisonment.
A2 and A3	342 IPC	Rs.1000/- fine, in default to undergo one month simple imprisonment.

Questioning 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 they would not challenge the finding of guilt and that they would be satisfied, if leniency is shown in the matter of punishment. The appellants agree to pay a total sum of Rs.1,50,000/- as compensation to the victim. It appears that they have already paid a sum of Rs.50,000/- to the victim P.W.2-Manokaran. The first appellant had been in prison for about ten months. While the second and third had been in prison for about sixty days. The occurrence itself had taken place as early as on 18.05.2011. More than eight years have elapsed.

3. Taking note of this mitigating circumstances, even while sustaining the conviction imposed by the Court below on the appellants, the sentence of imprisonment is reduced and modified to the period already undergone by them. Each of the appellant is directed to deposit a sum of Rs.50,000/- to the credit of S.C.No.101 of 2012 on the file of the Second Additional Sessions Judge, Thoothukudi, within a period of three months from the date of receipt of a copy of this order. On such deposit, the same shall be handed over as compensation to the victim Manokaran-P.W.2. In the event of failure to do so, the defaulting accused will have to undergo the default sentence of one year simple imprisonment. The appellants' counsel submitted that they have already entered into compromise with the victim. The memo of compromise entered into between the parties is filed in the Court and it is taken on record.

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

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar (CS)



To

- 1.The II-Additional Sessions Judge, Thoothukudi.
- 2.The The Inspector of Police, Athoor Police Station,
Tuticorin District.
- 3.The Superintendent, Central Prison, Palayamkottai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to: The Record Keepeer, Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.(2)

+1 CC to M/s.S.R.ANBARASU, Advocate SR-78365.
+1 CC to M/s.J.ASHOK, Advocate SR-78338.

Cr1.A. (MD) No.171 of 2012

CS(09.09.2019) 3P 9C