



Bail Slip

The Appellant/Accused viz., Karthick S/o.Balu was released on bail as per the Order of this Court on 11.05.2011 in MP(MD)No.1 of 2011 in Crl.(MD)No.144 of 2011.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A.(MD)No.144 of 2011

Karthik

... Appellant/Sole Accused

Vs.

State Rep. by,
The Inspector of Police,
K.Pudur Police Station,
Madurai District.

... Respondent/Complainant

Prayer: Criminal Appeal is filed under Section 374(2) of Cr.P.C, to set aside the judgment and conviction, dated 01.04.2011, by the learned Additional Sessions Judge, Fast Track Court No.I, Madurai, S.C.No.274 of 2010.

For Appellant : Mr.R.Anand

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

J U D G M E N T

The appellant was convicted for the offences under Section 392 r/w 394 and 506(ii) of I.P.C. vide judgment dated 01.04.2011 in S.C.No.274 of 2010, on the file of the learned Additional Sessions Judge, Fast Track Court No.I, Madurai. He was sentenced to undergo three years rigorous imprisonment for the offence under Section 392 r/w 394 of I.P.C. and sentenced to undergo one year rigorous imprisonment for the offence under Section 506(ii) of I.P.C. He was however acquitted in respect of the charge under Section 397 of I.P.C. Questioning the same, this criminal appeal has been filed.

2.The learned Counsel appearing for the appellant submitted that having regard to the circumstances, he would not question the finding of guilt but then, he would be satisfied if leniency is shown in the matter of punishment. It is seen that the appellant was not having any previous case and he has not come under any adverse notice of the police subsequently. The case itself relates to the charge under Section 392 r/w 394 of I.P.C. dated 01.04.2011. The only allegation is that the accused



threatened the victim with knife and took away a sum of Rs.100/- from his shirt pocket. The victim did not suffer any injury. The appellant's counsel would submit that the appellant was aged around 19 years at the time of occurrence. Taking note of all these mitigating circumstances, even while sustaining conviction, I modify and reduce the punishment imposed on the appellant for both offence to the period already undergone by him. With this modification, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To:

- 1.The Additional Sessions Judge,
Fast Track Court No.I, Madurai.
- 2.The Judicial Magistrate No.VI, Madurai.
- 3.The Chief Judicial Magistrate, Madurai.
- 4.The Inspector of Police,
K.Pudur Police Station,
Madurai District.
- 5.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)

+1 CC to Mr.R.ANAND, Advocate SR-79833.

Crl.A.(MD)No.144 of 2011

05.08.2019

CS(10.09.2019) 2P 9C