

**Bail Slip**

The Appellants/Accused 1 & 2 namely 1) Krishnan, aged 58, S/o.Shanmugam, 2) Krishnan, aged 36, S/o.Subbiah, were directed to be released on bail as per the order of this Court dated 20.06.2011 in MP(MD).No.1/2011 in CrI.A(MD).No.164/2011 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.A(MD)No.164 of 2011

1.Krishnan
2.Krishnan

... Appellants/Accued 1 & 2

Vs

State,
represented by Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
(Crime No.214 of 2010)

... Respondent/Complainant

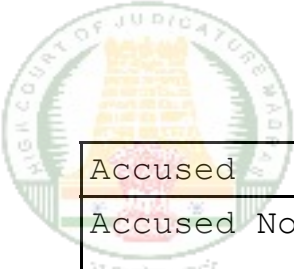
PRAYER: Criminal Appeal is filed under Section 374(2) of Cr.P.C., to set aside the Judgment and Conviction dated 23.05.2011 by the learned Additional Sessions Judge (Fast Track Court No.II), Thoothukudi in S.C.No.82 of 2011 and acquit the appellants.

For Appellants : Mr.S.Deenadhayalan

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

JUDGMENT

The appellants were tried and convicted and sentenced in S.C.No.82 of 2011 on the file of the Additional District and Sessions Judge, Fast Track Court No.II, Thoothukudi as follows:-



WEB COPY

Accused	Penal Provisions	Punishment
Accused No.1	(i) 341 IPC	Fine of Rs.100, in default, to undergo simple imprisonment for one week
	(ii) 326 IPC	Three years rigorous imprisonment and fine of Rs.500/- in default, to undergo six months simple imprisonment.
Accused No.2	Sec.326 IPC r/w 34 IPC	Three years rigorous imprisonment and fine of Rs.500, in default, to undergo six months simple imprisonment

Questioning the same, this appeal has been filed.

2.When the matter was taken up for hearing, the appellant's counsel submitted that having regard to the evidence on record, he would not question the conviction and that, he would be satisfied, if leniency is shown in the matter of sentence. He also submitted that the appellants will pay a sum of Rs.5000/- each as compensation to P.W.1.

3.I am of the view that the submission of the appellant's counsel can be accepted. The appellants had been inside for about 14 days. Therefore, even while sustaining the conviction, the sentence of imprisonment imposed on them is modified and reduced to the period already undergone. The appellants shall deposit a sum of Rs.5,000/- each to the credit of S.C.No.82 of 2011 on the file of the Additional District and Sessions Judge, Fast Track Court No.II, Thoothukudi, within a period of four weeks from the date of receipt of a copy of this order. The said amount shall be handed over to P.W.1-Paramasivam by the trial Court as compensation. If the appellants fail to do so, they will have to undergo the default sentence of six months simple imprisonment.

4.With this modification, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CS-III)

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To

1.The Additional Sessions Judge (Fast Track Court No.II),
Thoothukudi.

2.The Judicial Magistrate, Srivaikundam.

3.The Chief Judicial Magistrate, Thoothukudi

4.The Principal Sessions Judge, Thoothukudi

5.The Inspector of Police, Murappanadu Police Station,
Thoothukudi District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.DEENADHAYALAN, Advocate (SR-76151[F] dated
18/07/2019)

Cr1.A(MD)No.164 of 2011
17.07.2019

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JMN(09.09.2019) 3P : 8C