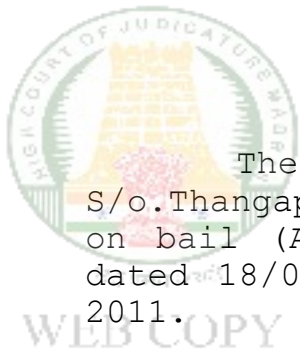




Bail Slip

The Appellant/Accused Nos.1 & 2 viz., 1. Pandaram, S/o.Thangapandi Nadar, 2.Thangamani, S/o.Pandaram Nadar was released on bail (Accused not in Jail) in and by the Order of this Court dated 18/07/2011 made in MP(MD)No.1 of 2011 in CrI.A(MD)No.202 of 2011.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.A.(MD)No.202 of 2011

1.Pandaram
2. Thangapandi

... Appellants/
Accused Nos.1&2

Vs.

State rep. by,
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi.
(Crime No.240 of 2009)

... Respondent

Prayer: Criminal Appeal is filed under Section 374 of Cr.P.C, against the Judgment of conviction passed against them by the learned Additional Sessions Judge cum Fast Track Court No.1, Thoothukudi, in S.C.No.91 of 2011, dated 05.07.2011.

For Appellants : Mr.P.Andiraj

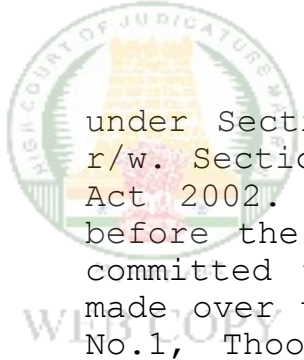
For Respondent : M/s.A.Robinson,
Government Advocate (CrI. Side).

* * *

JUDGMENT

The first appellant was convicted for the offence under Section 325 of I.P.C., and sentenced to undergo 3 years Rigorous Imprisonment and the second appellant was convicted for the offence under Section 323 of I.P.C., and sentenced to undergo six months Rigorous Imprisonment vide Judgment dated 05.07.2011 in S.C.No.91 of 2011 on the file of the learned Additional Sessions Judge/Fast Track Court No.1, Thoothukudi.

2. The prosecution case is that the occurrence in question took place on 13.09.2009 at about 7.30 p.m. In this regard, P.W.1 Athikan lodged Ex.P.1 complaint before Seidunganallur police station leading to registration of Crime No.240 of 2009 for the offence



under Sections 341, 325, 307 and 506(ii) r/w Section 34 of I.P.C. r/w. Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act 2002. Investigation was taken up and final report was filed before the learned Judicial Magistrate, Srivaikundam. The case was committed to the Sessions Court in P.R.C.No.6 of 2011 and it was made over to the learned Additional Sessions Judge/Fast Track Court No.1, Thoothukudi in S.C.No.91 of 2011. The charges were framed against the appellant under Sections 341, 307, 323(2 counts) and 506 (2) of I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act. The appellants pleaded not guilty and claimed to be tried. The prosecution examined as many as 15 witnesses and marked Ex.P.1 to Ex.P.20. M.O.1 to M.O.3 were also marked. On the side of the accused, no evidence was adduced. The learned trial Judge after a detailed consideration of the evidence on record, by Judgment dated 05.07.2011 convicted and sentenced the appellant as mentioned above. Challenging the same, this Criminal Appeal has been filed.

3. The learned counsel appearing for the appellants submitted that having regard to the evidence on record, he would not question the finding of guilt and that he would be satisfied, if leniency is shown in the matter of punishment. The appellants undertook through their counsel to deposit a sum of Rs.5,000/- each so that the same can be given as compensation to the injured witnesses, P.W.1 Athikan and P.W.3 Meenakumari. It is also submitted that the appellants were in prison for about 22 days. The appellants are coolies and that more than 10 years have elapsed.

4. Taking note of these mitigating aspects, even while sustaining the conviction imposed on the appellants, I reduce the sentence of imprisonment to the period already undergone by them. The appellants shall deposit a sum of Rs.5,000/- each (totally Rs.10,000/-) to the credit of S.C.No.91 of 2011 on the file of the learned Additional Sessions Judge/Fast Track Court No.1, Thoothukudi, within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the same shall be handed over to P.W.1 and P.W.3 in equal share. If the appellants fail to do so, the sentence of imprisonment imposed by the trial Court will stand automatically restored.

5. With this modification in the matter of punishment, the Criminal Appeal stands partly allowed. No costs.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)



To:

1. The Additional Sessions Judge cum
Fast Track Court No.1, Thoothukudi.
2. The Principal Sessions Judge,
Thoothukudi District.
3. The Judicial Magistrate Court,
Srivankuntam.
4. The Chief Judicial Magistrate,
Thoothukudi.
5. The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi.
6. 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.

+1 CC to Mr.P.ANDIRAJ, Advocate SR-77492.

CrI.A. (MD) No.202 of 2011
24.07.2019

CS (19.08.2019) 3P 10C