

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 11.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Cr1.A(MD)No.29 of 2012**

1.Patturaj
2.Pandi
3.Moorthi

... Appellants

Vs

State through Inspector of Police,
Thilagarthidal Police Station,
Madurai.
(In Cr.No.3214 / 2010),

... Respondent

PRAYER: Criminal Appeal is filed under Section 374 of Cr.P.C., to call for the records and set aside the conviction and the sentence imposed on the appellants by the Additional Sessions Judge, Fast Track Court No.I, Madurai in S.C.No.237 of 2011, dated 07.02.2012, acquit the appellants.

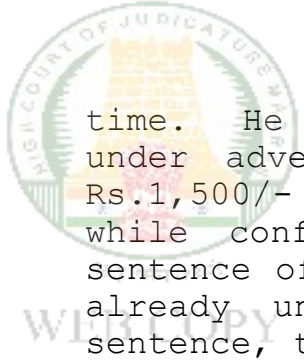
For Appellants : Mr.A.Jeyaram

For Respondent : Mrs.S.Bharathi
Government Advocate (Cr1.side)**JUDGMENT**

The appellants herein were found guilty of the offence under Section 3(1) and 5 of TNPPDL Act, 1992. They were sentenced to undergo one year rigorous imprisonment and fined Rs.500/- each. Questioning this Judgment dated 07.02.2012 made in S.C.No.237 of 2011 on the file of the Additional Sessions Judge/FTC-1, Madurai, this appeal has been filed.

2.When the matter was taken up for hearing, it was submitted that the first appellant as well as the third appellant are no more. Therefore, the proceedings against them will stand abated. This criminal appeal is closed as regards A1 and A3 are concerned. A2 alone is alive.

3.Having regard to the evidence on record, the learned counsel appearing for the appellants submitted that he would not challenge the finding of guilt. However, he submitted that more than nine years have lapsed and that, therefore, it would be inequitable to send the second appellant to prison at this point of



time. He also pointed out that the second appellant has not come under adverse notice thereafter. The value of damage is only Rs.1,500/- Therefore, taking note of this mitigating factors, even while confirming the conviction imposed on the appellant, the sentence of one year rigorous imprisonment is reduced to the period already undergone. With this modification in the matter of sentence, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (A.S)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Inspector of Police,
Thilagarthidal Police Station,
Madurai.
- 2.The Additional Sessions Judge,
Fast Track Court No.I,
Madurai.
- 3.The Superintendent,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.JEYARAM, Advocate SR-74821.

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