



Bail Slip

The Appellant/Sole Accused namely Samy, aged 40, S/o.Chinnalingam, was directed to be released on bail as per the order of this Court, dated 03.08.2011 in MP(MD).No.1/2011 in Crl.A.(MD).No.220/2011 on the file of this Court.

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.220 of 2011

Samy ... Appellant/Sole Accused

Vs.

State through,
The Inspector of Police,
Saethur Police Station,
Virudhunagar District.
(Cr.No.562/2007)

... Respondent/Complainant

Prayer: Criminal Appeal is filed under Section 374 of Cr.P.C, to set aside the judgment and conviction passed by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhoor in Spl.S.C.No.63 of 2009, dated 14.07.2011.

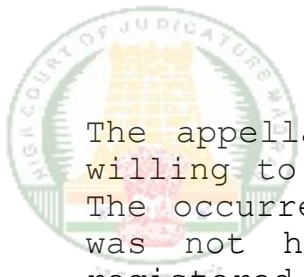
For Appellant : Mr.Jegadeeshpandian

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

J U D G M E N T

The appellant was convicted for the offence under Section 326 of I.P.C. vide judgment dated 14.07.2011 in Spl.S.C.No.63 of 2009, on the file of the learned Principal Sessions Court, Virudhunagar District at Srivilliputtur. He was sentenced to undergo one year rigorous imprisonment and also levied with fine of Rs.3,000/-. The appellant had caused fracture to the victim. Questioning the impugned judgment, this criminal appeal has been filed.

2.The learned counsel for the appellant submitted that having regard to the evidence on record, he would not challenge the finding of guilt arrived at by the Court below. In other words, the conviction of the appellant is no more under challenge. The appellant's counsel pleads leniency in the matter of punishment.



The appellant was in prison for about 43 days. The appellant is willing to pay a sum of Rs.15,000/- as compensation to the victim. The occurrence itself took place some 12 years ago. The appellant was not having any bad antecedents when the case on hand was registered against him and the appellant did not come under any adverse notice on the respondent thereafter also. Taking note of all these circumstances, even while sustaining the conviction, the sentence of imprisonment is modified and reduced to the period already undergone by him. The appellant shall deposit a sum of Rs.15,000/- to the credit of Spl.S.C.No.63 of 2009, on the file of the learned Principal Sessions Court, Virudhunagar District at Srivilliputur, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the same shall be handed over as token compensation to the victim by the learned learned Trial Judge. If the appellant fails to do so, the sentence imposed by the Court below will stand automatically restored. With this modification in the matter of punishment and with this direction to pay compensation, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To:

- 1.The Principal Sessions Judge, Srivilliputur,
Virudhunagar District.
- 2.The Judicial Magistrate, Rajapalayam
- 3.Do Through The Chief Judicial Magistrate, Virudhunagar
At Srivilliputhur
- 4.The Inspector of Police, Saethur Police Station,
Virudhunagar District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-80201[F] dated
07/08/2019)

Crl.A. (MD)No.220 of 2011
05.08.2019

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