

**BAIL SLIP**

The Appellant/Accused viz., Balasubramaniyan @ Subramaniyan, S/o.Karuppiyah, was released on bail as per the order dated 1.2.2012 made in MP(MD)No.2/2012 in Crl A(MD)9/2012.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED : 17.07.2019****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****CRL A (MD)No.9 of 2012**

Bala Subramaniyan @
Subramaniyan

... Appellant/Accused

Vs .

State,
rep.through the Inspector of Police,
Kandharvakottai Police Station,
Pudhukottai District.
(Crime No.171 of 2010)

... Respondent

Prayer : This Criminal Appeal is filed under Section 374 of Criminal Procedure Code, to call for the records and set aside the sentence and conviction imposed in S.C No.166 of 2010 on the file of the Additional District and Sessions Judge, Mahila Court, Pudhukottai vide judgment dated 30.06.2011.

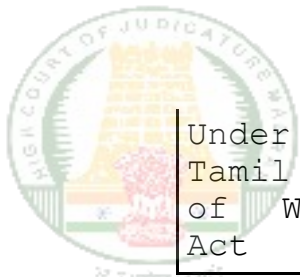
For Appellant : Mr.S.M.A.Jinnah

For Respondent : Mr.A.Robinson,
Government Advocate (crl.side)

JUDGMENT

The appellant was convicted and sentenced vide judgment dated 30.06.2011 in S.C No.166 of 2010 by the learned Additional District and Sessions Judge, Pudukottai as follows :

Under Section 323 IPC	To undergo rigorous imprisonment for one year and to pay a fine of Rs.1,000/-
Under Section 354 IPC	To undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/-



Under Section 4 of Tamil Nadu Prohibition of Women Harassment Act	To undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/-.
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Questioning the same, this appeal has been filed.

2.The learned counsel appearing for the appellant submitted that having regard to the evidence on record, he would not question the finding of guilt arrived at against the appellant and that he would be satisfied if some leniency is shown in the matter of sentence. It is submitted that the appellant is a poor shepherd. Out of 21,000/- fine amount, a sum of Rs.20,000/- has already been paid to the victim as compensation. The appellant is not having any other case and has not come under any adverse notice thereafter. He is now in middle 50s and he is also having a family to support.

3.However, taking note of the gravity of offence, I cannot show indulgence beyond a point. I confirm the conviction imposed on the appellant. However, the sentence imposed on the appellant under Sections 323, 354 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act to undergo 1 year, 2 years and 3 years respectively, is modified to one year and six months (18 months). The appellant is said to have been in prison for 13 months. The same shall of course be set off in terms of Section 428 of Cr.PC. He will have to undergo imprisonment for the remaining period of 5 more months. The sentence will run concurrently. The learned counsel for the appellant undertakes that the appellant will surrender before the trial court to serve out the remaining period of sentence on or before 20.08.2019.

4.This criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar(CS)

To

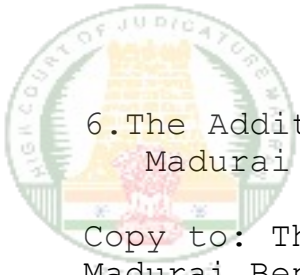
1.The Additional District and Sessions Judge, Mahila Court, Pudukkottai.

2.The Judicial Magistrate, Pudukkottai.

3.Do Thro The Principal District and Sessions Judge, Pudukkottai.

4.The Superintendent,
Central Prison, Trichy.

5.The Inspector of Police, Kandharvakottai Police Station,
Pudukkottai District.



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.(2 COPIES)

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+1 cc Mr. R.KARUNANIDHI ,Advocate, SR.No.76040

CRL A (MD)No.9 of 2012

17.07.2019

_KK/SAR/16.08.2019/2P-10C/