

**Bail Slip**

1.Kutty @ Subbiah, (aged 70 Years),
S/o.Sankaralingam, Main Road,
Velayuthapuram, Tirunelveli District.

2.Velsamy (Aged 27 years)
S/o.Kutty @ Subbiah
Main Road,
Velayuthapuram, Tirunelveli District... Accused No.1 & 2

Were released on bail of this Court order dated 26.08.2011
made in M.P(MD)No.1 of 2011 in Crl A(MD)No.259 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL A (MD)No.259 of 2011

1.Kutty @ Subbiah

2.Velsamy ... Appellants / Accused Nos.1 & 2

Vs.

The State
through the Inspector of Police,
Sambavar Vadakarai Police Station,
Sambavar Vadakarai,
Tirunelveli District.
(Crime No.180 of 2010)

... Respondent / Complainant

Prayer : This Criminal Appeal is filled under Section 374 (2) of Criminal Procedure Code, to set aside the judgment and sentence in S.C No.56 of 2011 on the file of the Additional District Sessions Judge/Fast Track Court No.1, Tirunelveli dated 02.08.2011.

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

JUDGMENT

The appellants were convicted for the offences under Sections 342, 506(2) and 304(2) IPC. They were also sentenced to terms of imprisonment vide judgment dated 02.08.2011 in S.C No.56 of 2011 passed by the Additional District Sessions Judge/Fast Track Court No.1, Tirunelveli. The second accused was sentenced to three



years for the offence under Section 304(2) IPC while the first accused was sentenced with one year rigorous imprisonment. In respect of the offence under Section 506(2) IPC, they were sentenced to undergo six months rigorous imprisonment. Aggrieved by the same, this appeal came to be filed. During the pendency of this appeal, the second appellant Velsamy died. Therefore, the proceedings against him stands abated. We are concerned only with the first appellant/first accused.

2.The learned counsel appearing for the first appellant submitted that having regard to the evidence on record, he would not question the finding of guilt and that he would be satisfied if some leniency is shown in the matter of sentence. It is seen that the first accused is now aged about 79 years. Even the court below has sentenced him only to six months rigorous imprisonment for the offence under Section 506(2) IPC and one year rigorous imprisonment for the offence under section 304(2) IPC. The first appellant was imposed with a fine amount of Rs.50,000/- and it has since been remitted by him. The first appellant was also in prison for about one month.

3.Taking note of all these three aspects, namely, the age of the appellant, remittance of fine amount and his incarceration for a period of one month, this Court even while sustaining the conviction imposed on the first appellant reduces and modifies the period of sentence to the period already undergone by him. In all other respects, the judgment passed by the court below stands confirmed. This appeal is partly allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Additional District Sessions Judge/Fast Track Court No.1, Tirunelveli.
 - 2.The Inspector of Police, Sambavar Vadakarai Police Station, Sambavar Vadakarai, Tirunelveli District.
 - 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court.
- +1cc to Mr.V.Kannan, Advocate, SR.No.74386

Skm

CRL A (MD) No.259 of 2011

08.07.2019