



BAIL SLIP

The Appellant/Accused namely Prabhu @ Prabakaran, S/o.Govindarajan was released on bail by this Hon'ble Court made in CRL MP(MD).1 of 2011 in CRL A(MD).273 of 2011 dated 09.09.2011.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCrl.A.(MD)No.273 of 2011

Prabhu @ Prabakaran

... Appellant/Accused

Vs.

State rep. by,
The Inspector of Police,
All Women Police Station,
Kulithalai.
(Crime No.2 of 2009)

... Respondent/Complainant

Prayer: Criminal Appeal is filed under Section 374 of Cr.P.C, to set aside the Judgment of conviction and sentence imposed upon the appellant/accused in S.C.No.16 of 2011, dated 05.08.2011 on the file of the learned Sessions Judge, Karur and acquit the appellant/accused giving benefit of doubt.

For Appellants : Mr.B.Saravanan

For Respondent : M/s.S.Bharathi
Government Advocate (Crl. Side).

JUDGMENT

The appellant was found guilty of the offence under Section 417 of I.P.C. in S.C.No.16 of 2011 vide Judgment dated 05.08.2011 on the file of the learned Sessions Judge, Karur and sentenced to undergo Rigorous Imprisonment for six months. Challenging the same, this Criminal Appeal has been filed.

2. When the matter was taken up for hearing, the learned counsel appearing for the appellant submitted that having regard to the evidence on record, he would not challenge the finding of guilt and that he would be satisfied, if leniency is shown in the matter of punishment. The appellant had already spent 29 days in prison. The appellant is ready to pay a sum of Rs.20,000/- as compensation to the victim. Since the child has been born on account of the relationship of the appellant with the victim, the appellant shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) per month as maintenance till the child attains majority.



3. Recording the said undertaking given by the appellant through his counsel, even while confirming the conviction against the appellant, the sentence of imprisonment imposed on him, is modified and reduced to the period already undergone. The appellant is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of S.C.No.16 of 2011 on the file of the learned Sessions Judge, Karur, within a period of six weeks from the date of receipt of a copy of this order. The said amount shall be deposited as compensation to P.W.1 Sasireka. The appellant is also directed to pay a sum of Rs.2,000/- per month as maintenance to the child. The appellant's liability shall commence from 01.09.2019. The amount payable by the appellant can be recovered as if it is a fine. If the victim is not furnishing her account number so as to enable the appellant to deposit the monthly deposit, he can deposit the same to the credit of the Sessions case itself.

4. The Criminal Appeal stands partly allowed, accordingly.
No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To:

1. The Sessions Judge,
Karur.
2. The Inspector of Police,
All Women Police Station,
Kulithalai.
3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2 COPIES)

+1CC TO MR.B.SARAVANAN, Advocate Sr. No. 77642

Cr1.A.(MD)No.273 of 2011
25.07.2019

MR(CO)

TR (28.08.2019) 2P 6C