

**Bail Slip**

A.Chisturaj, S/o Amirtham, A.Selvaraj, S/o Amirtham, Appellant/
Accused Nos.1 and 2, were released on Bail Vide court order dated
17.08.2011 made in MP(MD)No.1 of 2011 CrI A(MD)No.288 of 2011.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCrI.A.(MD)No.288 of 2011

1.A.Christuraj

2.A.Stephenraj

... Appellants/
Accused Nos.1 & 2

Vs.

The State of Tamilnadu
Represented by its,
The Inspector of Police,
Kallakudi Police Station.
Lalkudi Circle, Trichy District.

... Respondent/
Complainant

Prayer: Criminal Appeal is filed under Section 374 of Cr.P.C, to
call for the records in S.C.No.49 of 2010, on the file of the
Additional District and Sessions Judge / Fast Track Court No.I,
Trichy, dated 30.08.2011 and set aside the same and acquit the
appellants.

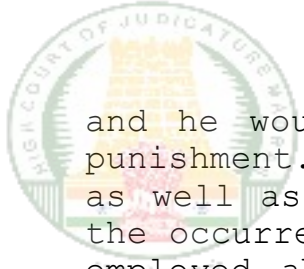
For Appellants : Mr.N.Anandakumar

For Respondent : Mr.A.Robinson
Government Advocate (CrI. Side)

J U D G M E N T

The appellants were convicted for the offence under Section
326 of I.P.C. and sentence to three years rigorous imprisonment vide
judgment dated 30.08.2011 in S.C.No.49 of 2010, on the file of the
learned Additional District and Sessions Judge, Fast Track Court
No.I, Trichy. Questioning the same, this criminal appeal has been
filed.

2. When the matter was taken up for hearing, the learned
counsel appearing for the appellants submitted that having regard to
the evidence on record, he would not challenge the finding of guilt



and he would be satisfied if leniency is shown in the matter of punishment. The appellant's counsel pointed out that the appellants as well as the victim are only brothers. Due to partition dispute, the occurrence in question had taken place. The first appellant was employed aboard. On account of his involvement, he has lost his employment. More than a decade had elapsed, since the occurrence had taken place. The appellants were also in prison for about 22 days. The appellants agreed to deposit a sum of Rs.25,000/- to the credit of S.C.No.49 of 2010, on the file of the learned Additional District and Sessions Judge, Fast Track Court No.I, Trichy, within a period of four weeks from the date of receipt of a copy of this judgment. The appellants also agree to execute an affidavit of apology expressing their regret for the occurrence and undertake to lead their lives as law abiding citizens in future. Recording the undertaking given by the learned counsel appearing for the appellants, this Court even while sustaining the conviction imposed on the appellants modifies the sentence of imprisonment to the period already undergone. The learned Trial Judge shall hand over the compensation amount to the victim/P.W.1 along with a copy of the affidavit of apology to be executed by the appellants herein. If the appellants fail to do so, the sentence of imprisonment passed by the Court below will stand automatically restored. With this direction to pay compensation and execute an affidavit of apology, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Additional District and Sessions Judge,
Fast Track Court No.I, Trichy.
2. The Principal Sessions Judge, Trichy.
3. The Judicial Magistrate, Lalkudi, Trichy.
- 4.The Inspector of Police,
Kallakudi Police Station.
Lalkudi Circle, Trichy District.
5. The Chief Judicial Magistrate, Trichy.
6. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.ANANDA KUMAR, Advocate (SR-78318[F] dated 29/07/2019)

CrI.A.(MD)No.288 of 2011

25.07.2019

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