

**Bail Slip**

The Appellant/Accused No.2 namely Ponraj, was released on bail as per order dated 05.01.2012 and made in MP(MD)No.2 of 2011 in Cr1.A(MD)No.31 of 2011 on the file of this court.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 25.07.2019****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Cr1.A.(MD)No.31 of 2011**

Ponraj

... Appellant/Accused No.2

Vs.

The State rep. by,
The Inspector of Police,
Palani Town Police Station,
Dindigul District.
(Crime No.568 of 2007)

... Respondent/Complainant

Prayer: Criminal Appeal is filed under Section 374 of Cr.P.C, to allow the above appeal and consequently set aside the order of conviction and sentence imposed on the appellant by the learned Assistant Sessions Judge, Palani, Dindigul District in the Judgment dated 04.01.2011 made in S.C.No.158 of 2009.

For Appellants : Mr.M.Jagadeesh Pandian
for Mr.S.Balakarthick

For Respondent : M/s.S.Bharathi,
Government Advocate (Cr1. Side).

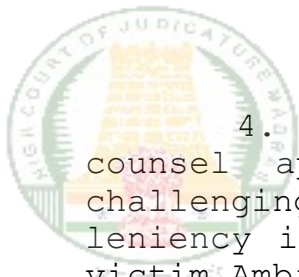
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JUDGMENT

The appellant was convicted for the offence under Section 394 r/w 397 of I.P.C. and sentenced to undergo seven years Rigorous Imprisonment vide Judgment dated 04.01.2011 in S.C.No.158 of 2009 on the file of the learned Assistant Sessions Judge, Palani. Questioning the same, this Criminal Appeal has been filed.

2. Heard the learned counsel on either side.

3. The appellant was shown as the second accused in the Sessions case. The first accused died during the trial itself. The prosecution case against the appellant is that on 08.07.2007 at about 3.00 p.m., the appellant threatened the victim Ambika, P.W.1 who was walking on the road by brandishing with a knife and relieved her of 4 sovereigns of gold chain worth about Rs.32,000/-. In this regard Crime No.568 of 2007 was registered on the file of the Inspector of Police, Palani Town police station, Dindigul District. The chain was also recovered from accused No.1.



4. Having regard to the evidence on record, the learned counsel appearing for the appellant submits that he is not challenging the finding of guilt and that he would be satisfied, if leniency is shown in the matter of punishment. In this case, the victim Ambika does not appear to have suffered any grievous hurt.

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5. Therefore, I am of the view that the appellant ought not to have been convicted under Section 397 of I.P.C. Therefore, the conviction of the appellant is confirmed only in respect of the offence under Section 394 of I.P.C. The appellant had already spent about an year in prison. The occurrence had taken place in the year 2007. For the last 12 years, he has not come under the adverse notice for any similar type of offence. The appellant is eking out his livelihood as a coolie worker. He appears to have met with an accident and suffered amputation of one leg.

6. Taking note of the mitigating circumstances, this Court confirms the conviction imposed on the appellant only in respect of Section 394 of I.P.C. and modifies and reduces the sentence of imprisonment to the period already undergone.

7. With this modification, the Criminal Appeal stands partly allowed. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To:

1. The Assistant Sessions Judge, Palani, Dindigul District.
2. The Principal Sessions Judge, Dindigul.
3. The Inspector of Police, Palani Town Police Station, Dindigul District.
4. The Superintendent, Central Prison, Madurai.
5. 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.

Cr1.A. (MD) No.31 of 2011
25.07.2019