

**Bail Slip**

Appellant/Accused namely Murugan, aged about 33 years S/o.Muniasamy, was directed to be released on bail as per order of this Court dated 19.04.2012 and made in MP(MD)No.1 of 2012 in Cr1 A. (MD)No.354 of 2011 on this 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.354 of 2011

Murugan

... Appellant/Sole Accused

Vs.

State through,  
The Inspector of Police,  
Annanagar Police Station,  
Madurai City,  
Madurai District.  
(Crime No.3421 of 2010)

... Respondent/Complainant

**Prayer:** Criminal Appeal is filed under Section 374 of Cr.P.C, to call for the records connected with Judgment dated 03.10.2011 in S.C.No.56 of 2011 on the file of the learned Additional District and Sessions Judge cum Fast Track Court No.III, Madurai and set aside the same and acquit the appellant/accused.

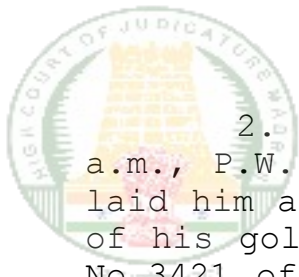
For Appellants : Mr.R.Alagumani

For Respondent : Mr.A.Robinson,  
Government Advocate (Cr1. Side).

\* \* \*

**JUDGMENT**

The appellant was convicted for the offence under Section 392 r/w 397 of I.P.C., and Section 341 of I.P.C. He was sentenced to undergo 7 years Rigorous Imprisonment and 1 month Rigorous Imprisonment respectively vide Judgment dated 03.10.2011 in S.C.No.56 of 2011 on the file of the learned Additional District and Sessions Judge/Fast Track Court No.III, Madurai. Questioning the same, this Criminal Appeal has been filed.



2. The prosecution case is that on 18.12.2010 at about 08.00 a.m., P.W.1 Kumaraprasad was walking on the road, the appellant way laid him and committed the offence in question. P.W.1 was relieved of his gold chain worth about 1  $\frac{3}{4}$  sovereigns. In this regard Crime No.3421 of 2010 was registered. The appellant was arrested on the same day. M.O.1 gold chain belonging to P.W.1 was recovered from the appellant. Final report was filed and the case was committed to the Sessions Court and it was made over to the learned Additional District Judge, Madurai in S.C.No.56 of 2011. Charges were framed against the appellant under Sections 341 and 392 r/w 397 of I.P.C. But the appellant pleaded not guilty and claimed to be tried. The prosecution examined as many as 6 witnesses and marked Ex.P.1 to Ex.P.6. On the side of the accused, no evidence was marked. M.O.1 and M.O.2 were also marked.

3. Since the guilt of the appellant has been established beyond reasonable doubt, following the recovery of M.O.1 gold chain, I am of the view that the learned trial Judge rightly found the appellant guilty. But then, I am of the view that the conviction under Section 397 of I.P.C. is not warranted, because the victim did not suffer any grievous hurt, during the occurrence. Therefore, the conviction of the appellant is confined only to Sections 392 and 341 of I.P.C.

4. Considering the mitigating circumstances that are obtaining in this case, the sentence of imprisonment imposed on the appellant is reduced from seven years Rigorous Imprisonment to one year Rigorous Imprisonment. Period of incarceration undergone by the appellant shall be set off under Section 428 of Cr.P.C.

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

Sd/-

Assistant Registrar (AD-I)

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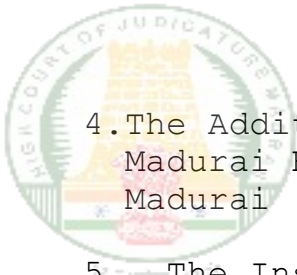
Sub Assistant Registrar(CS)

To:

1. The Additional District and Sessions Judge  
cum Fast Track Court No.III,  
Madurai.

2.The Chief Judicial Magistrate,  
Madurai.

3.The Superintendent, Central Prison,  
Madurai.



4. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai

5. The Inspector of Police,  
Annanagar Police Station,  
Madurai City,  
Madurai District.

Copy to: The Section Officer,  
Criminal Section,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.R.ALAGUMANI, Advocate SR-77687.

**Crl.A. (MD) No.354 of 2011**  
**25.07.2019**

CS (06.09.2019) 3P 9C