

**Bail Slip**

The Appellant/Accused was directed to be released on BAIL made in CRL.MP(MD)No.1/2011 in CRL.Appeal(MD)No.72/2011 dated 15/03/2011 on the filed of the Madurai Bench of Madras High Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD)No.72 of 2011

Sivathani Raja

... Appellant

Vs

The State represented by
the Inspector of Police,
Theni Police Station,
Theni District.
(In Crime No.640 of 2008)

... Respondent

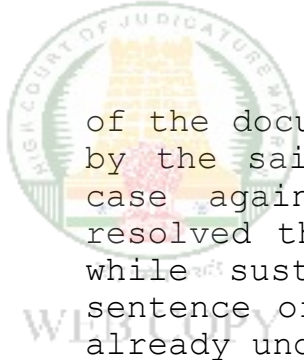
PRAYER: Criminal Appeal is filed under Section 374 of Cr.P.C., to call for the records relating to the Judgment dated 04.03.2011 made in S.C.No.44 of 2010 on the file of the Assistant Sessions & Chief Judicial Magistrate Court, Theni and set aside the same as illegal and allow the above appeal.

For Appellant	: Mr.J.Sulthan Basha for M/s.Ajmal Associates
For Respondent	: Mrs.S.Bharathi Government Advocate (Crl.side)

JUDGMENT

The appellant was convicted for the offence under Section 436 of IPC and sentenced to ten years rigorous imprisonment, vide Judgment dated 04.03.2011, in S.C.No.44 of 2010 on the file of the Assistant Sessions Judge and Chief Judicial Magistrate, Theni. Questioning the same, this appeal has been filed.

2.When the matter was taken up for hearing, the learned counsel appearing for the appellant submitted that he is not challenging the finding of guilt and that he would only pray for setting aside the sentence imposed on him. The appellant's counsel submitted that as a result of the appellants' crime, the timber shop belonging to the Dhisaimani was set fire and he suffered loss to the tune of Rs.15,00,000/-. The occurrence had taken place in the year 2008. In the year 2014, there was a mediation and the appellant's counsel fairly stated that the loss caused to the Dhisaimani had been made good. In this regard, he produced the copy



of the document dated 04.07.2014 executed in favour of the appellant by the said Dhisaimani. Dhisaimani has agreed not to pursue his case against the appellant. Since the parties have amicably resolved the issues between themselves, I am of the view that even while sustaining the conviction imposed on the appellant, the sentence of imprisonment can be modified and reduced to the period already undergone. This criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Chief Judicial Magistrate,
Theni
2. The Inspector of Police,
Theni Police Station,
Theni District.
3. The Assistant Sessions &
Chief Judicial Magistrate Court,
Theni.
4. The Superintendent,
Central Prison, Madurai
5. The Additional Public Prosecutor,
Madurai Bench Of Madras High Court, Madurai
6. The Section Officer,
Criminal Section, (2 copies)
Madurai Bench of Madras High Court, Madurai

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-77777[F] dated 26/07/2019)

Cr1.A(MD)No.72 of 2011
24.07.2019

rmi

MK (05.09.2019) 2P 9C