



Bail Slip

The Appellant herein/Accused viz., namely Periyasamy S/o.Balaiah, was released on Bail, as per order of this Court dated 16.03.2011 and made in Crl.A(MD)No.77 of 2011.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A. (MD)No.77 of 2011

Periyasamy

... Appellant /Accused No.1

Vs.

State rep. by

The Inspector of Police,
Karambakudi Police Station,
Pudukkottai District.

(Rep. by All Women Police Station,
Alangudi)
(Crime No.121 of 2008)

... Respondent /Complainant

Prayer: Criminal Appeal is filed under Section 374 of Cr.P.C, to set aside the judgment and conviction dated 10.03.2011 by the learned Mahila Court (Sessions Judge), Pudukkottai in S.C.No.150 of 2010 and acquit the appellant.

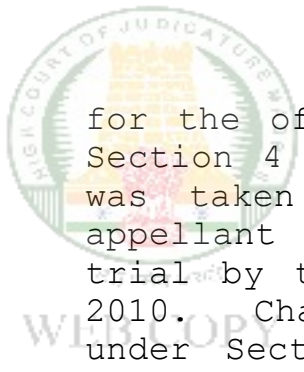
For Appellant : Mr.S.Deenadhayalan

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

J U D G M E N T

The appellant was found guilty vide judgment dated 10.03.2011 in S.C.No.150 of 2010, on the file of the learned Mahila Court(Sessions Judge), Pudukkottai for the offences under Section 417 and 420 of I.P.C. and sentenced to undergo one year and three years respectively. He was also levied with fine of Rs.3,000/-.

2.The prosecution case is that the appellant had given a false promise to marry the victim and induced her to have physical relationship with him. But later, he went back on his promise. Hence, P.W.1 lodged Ex.P.1/complaint before Karambakudi Police Station, Pudukkottai District. Crime No.121 of 2008 was registered



for the offence under Sections 417, 429 and 294(b) of I.P.C and Section 4 of Dowry Prohibition Act on 25.03.2010. Investigation was taken up and final report came to be laid against the appellant and four others. The case was eventually taken up for trial by the learned Mahila Court, Pudukkottai in S.C.No.150 of 2010. Charges were framed against the accused for the offence under Sections 417, 420, 376, 294(b) and 506(ii) of I.P.C and Section 4 of Dowry Prohibition Act. Accused pleaded not guilty and claimed to be tried.

3.The prosecution examined as many as 13 witnesses and marked Exs.1 to 9. On the side of the accused no evidence was adduced.

4.The learned Trial Judge after detailed consideration of the evidence on record found the appellant alone guilty for the offence under Sections 417 and 420 of I.P.C. and acquitted other accused. The appellant was also acquitted in respect of other charges. Challenging the same, this criminal appeal has been filed.

5.At the very commencement of argument, the learned counsel appearing for the appellant submitted that he would not question the finding of guilt and that he would be satisfied if modification and reduction is shown in the matter of punishment.

6.The appellant's counsel pointed that even according to the defacto complainant, she had also given a complaint and that the same was closed and the present complaint was given after the appellant got married. In the present complaint not only the appellant but his wife and in-laws were also implicated. The appellant's counsel pointed out that the original stand of the defact complainant was that she was different and that is why the first complaint was closed. He would further point out that the victim has since got married to some other person and she is now settled with two children. Taking note of the fact that the appellant was in prison for about 18 days, I am of the view that even while sustaining the conviction imposed on the appellant, the period of sentence can be modified and reduced to the period already undergone. This indulgence is shown because the appellant has come forward to pay further sum of Rs.30,000/- as compensation. The appellant is said to be an agricultural collie worker. He seeks some time to make the said deposit. The appellant is given eight weeks time to deposit the compensation amount of Rs.30,000/- to the credit of S.C.No.150 of 2010 on the file of the learned Mahila Court, Pudukkottai. The appellant shall also execute a notaries affidavit expressing his regret and conveying his apology to the victim. When the learned Trial Judge disburses the



compensation amount to the victim/P.W.1, a copy of the affidavit of apology executed by the appellant shall also be handed over to her. If the appellant fails to do so, the sentence of imprisonment passed by the Trial Court would stand automatically restored. With this modification in the matter of sentence and direction to pay compensation, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To:

- 1.The Mahila Court,
Sessions Judge,
Pudukkottai.
- 2.The Judicial Magistrate, Alangudi, Pudukkottai District
- 3.The Chief Judicial Magistrate,
Pudukkottai District
- 4.The Station House Officer
All Women Police Station, Alangudi
- 5.The Inspector of Police,
Karambakudi Police Station,
Pudukkottai District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

ias

Crl.A. (MD)No.77 of 2011
24.07.2019

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