

**Bail Slip**

The Sole Appellant/Accused viz., Pandiarajan, S/o. Subbaiah, was ordered to be released on bail vide this Court order dated 29.03.2011 and made in MP(MD)No.1 of 2011 in Crl A(MD)No.91 of 2011.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL A (MD)No.91 of 2011

Pandiarajan

... Appellant /Sole Accused

Vs.

State through the Inspector of Police,
Rural Police Station,
(Sulakkarai Police Station),
Virudhunagar District,
Crime No.101 of 2005)

... Respondent/complainant

Prayer : This Criminal Appeal is filed under Section 374 of Criminal Procedure Code, to set aside the judgment and conviction imposed in S.C No.173 of 2009 on the file of the Additional Sessions Judge (Fast Track Court), Virudhunagar dated 15.03.2011.

For Appellant : Mr.G.Mariappan

For Respondent : Mrs.S.Bharathi

Government Advocate (crl.side)

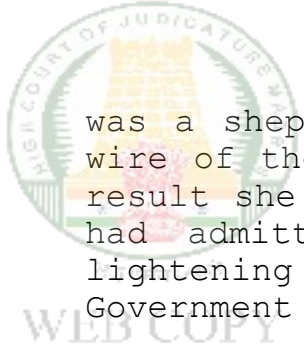
JUDGMENT

The appellant was convicted and sentenced to undergo five years rigorous imprisonment for the offence under Section 304 (II) and levied with fine of Rs.5,00/- and to undergo two years rigorous imprisonment for the offence under Section 429 of IPC and levied with fine of Rs.5,00/-, vide judgment dated 15.03.2011 in S.C No.173 of 2009 on the file of the Additional Sessions Judge (Fast Track Court), Virudhunagar. Questioning the same, this appeal has been filed.

2.When the matter was taken up for hearing, the learned counsel for the appellant submitted that having regard to the evidence on record, he would not question the finding of guilt rendered by the court below and that he would be satisfied if some leniency is shown in the matter of sentence.

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3.The learned counsel for the appellant submitted that the appellant is a poor agriculturist and that the deceased victim who



was a shepherd, in order to rescue her goat, touched the electric wire of the motor pump set of the accused/appellant herein and the result she died. He pointed out that the mother of the deceased had admitted in her testimony that her daughter died due to lightening and that they had also got compensation from the Government in this regard.

4. Even though the appellant would have arguable points on merits, he does not want to consume the court's time. He is willing to give a compensation of a sum of Rs.50,000/- to the mother of the deceased. The occurrence had taken place on 04.04.2005. Almost 14 years have gone by. The appellant is in his late 60s. He is said to be a poor agriculturist and having a family to support and having three daughters.

5. Taking note of the mitigating circumstances obtaining in this case, even while sustaining the conviction and fine imposed on the appellant, this Court modifies and reduces the sentence of imprisonment to the period already undergone by the appellant. This modification is given in the matter of sentence only by recording the undertaking of the learned counsel for the appellant that he would deposit a sum of Rs.50,000/- to the credit of S.C No.173 of 2009 on the file of the Additional District Judge (Fast Track Court), Virudhunagar, within a period of four weeks from the date of receipt of a copy of this order. The trial Court shall hand over the same to P.W.1/the mother of the deceased immediately after it is deposited.

6. With this modification in the matter of punishment and direction to pay compensation, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police, Rural Police Station,
(Sulakkarai Police Station),
Virudhunagar District.
2. The Additional Sessions Judge (Fast Track Court),
Virudhunagar.

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The Govt. Advocate (Cr1.side),
Madurai Bench of Madras High Court, Madurai.



+1 CC to Mr.G.MARIAPPAN, Advocate (SR-75953[F] dated 18/07/2019)

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17.07.2019

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