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BAIL SLIP

The Petitioner/Appellant Mr.Chandramohan, S/o.Chandradasan, Male, was released on bail as per the order of this Court made in MP (MD)No.1 of 2011 in Crl A(MD)No.95 of 2011 dated 28/03/2011.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.07.2019
CORAM
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
Crl.A.(MD)No.95 of 2011

Chandramohan ... Appellant

Vs.

The Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur District. ... Respondent

Prayer: Criminal Appeal filed under Section 374 (2) of Cr.P.C, to call for the records pertaining to Special S.C.No.57 of 2010 on the file of the I Additional Sessions Judge, (PCR Court), Thanjavur, set aside the conviction and sentence imposed on the appellant by his judgment dated 21.03.2011 and acquit the appellant.

For Appellant : Mr.A.Arun Prasad
For Respondent : Mrs.S.Bharathi
Government Advocate (Criminal Side)

JUDGMENT

The appellant was convicted and sentenced vide judgment dated 21.03.2011 in Special S.C.No.57 of 2010, on the file of the learned I Additional Sessions Judge, (PCR Court) Thanajvur as follows:-

Accused	Penal Provisions	Punishment
Sole accused	323 of I.P.C.	To undergo imprisonment for three months simple imprisonment
	506(i) of I.P.C.	To undergo imprisonment for three months simple imprisonment.
	324 of I.P.C.	To undergo imprisonment for six months simple imprisonment.

Questioning the same, this Criminal Appeal has been filed.

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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 be in a position to challenge the finding on guilt. He however pleaded leniency in the matter of punishment. It is seen that P.W.4 suffered only simple injuries. More than 10 years have elapsed, since the occurrence took place. The petitioner is also aged about 60 years. Taking note of these mitigating aspects even while sustaining the conviction imposed on the appellant, this Court sets aside the sentence of imprisonment imposed on the appellant. This is because the appellant has come forward to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) as compensation payable to P.W.4. The appellant is therefore directed to deposit a sum of Rs.5,000/- to the credit of Special S.C.No.57 of 2010, on the file of the learned I Additional Sessions Judge, (PCR Court) Thanajvur, within a period of six weeks from the date of receipt of a copy of this order. If the appellant fails to do so, the appellant will have to undergo three months simple imprisonment by way of default sentence. The learned Trial Judge shall hand over the said compensation to P.W.4, shortly thereafter. This Criminal Appeal is partly allowed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ias/das

To

1.The Judicial Magistrate, Orathanadu.

2.The Chief Judicial Magistrate,
Thanjavur at Kumbakonam.

3.The I Additional Sessions Judge, (PCR Court)
Thanajvur.

4.The Principal District Judge, Thanjavur.

5.The Superintendent,
Central Prison, Trichy.

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6.The Deputy Superintendent of Police,
Orathanadu Sub Division,
Thanjavur District.

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

Copy to:
The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2c)

Crl.A.(MD)No.95 of 2011
12.07.2019

KK/SAR/31.01.2020/3P-10C/

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