

**BAIL SLIP**

The Appellant/Accused viz., Padmavathy @ Padma was released on bail as per the Order of this Court in MP.1/2010 in C.A.No.112/2010 dated 31.03.2010 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. A. (MD) No.112 of 2010

Padmavathy @ Padma

... Appellant/Accused

Vs.

The State represented by,
The Deputy Superintendent of Police,
Karur.

... Respondent/Complainant

Prayer : This Criminal Appeal is filed under Section 374(2) of Cr.P.C., to set aside the order of conviction and the compensation amount of Rs.10,000/- dated 29.01.2010 passed in S.C.No.53 of 2009 on the file of the learned District and Sessions Judge, Karur.

For Appellant : Mr.R.Saravanan
For Respondent : M/s.S.Bharathi,
Government Advocate(Crl. Side).

JUDGMENT

The appellant was convicted for the offence under Section 326 of I.P.C. and sentenced to undergo six months Rigorous Imprisonment. She was also directed to pay a sum of Rs.10,000/- as compensation to P.W.1. Questioning the Judgment dated 29.01.2010 in S.C.No.53 of 2009 on the file of the learned Sessions Judge, Karur, this Criminal Appeal has been filed.

2. When the matter was taken up for hearing, the appellant's counsel submitted that he would not contest the finding of guilt. He would only pray for leniency in the matter of sentence. The appellant is now willing to pay a further sum of Rs.10,000/- as compensation to the victim. He also pointed out that the appellant is a widow and that she is eking out her livelihood with great difficulty. He also submitted that the appellant had already spent four months out of six months in prison.

3. Taking note of these mitigating circumstances, this Court even while confirming the conviction imposed on the appellant, modifies the sentence as follows:-



(i) The sentence of imprisonment imposed on the appellant is reduced to the period already undergone by her.

(ii) The appellant shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) towards compensation to the credit of S.C.No.53 of 2009 on the file of the learned Sessions Judge, Karur, within a period of six weeks from the date of receipt of a copy of this order. The said amount shall be paid to P.W.1 as compensation. If the appellant fails to comply with this undertaking given before this Court, the Judgment passed by the trial Court will stand automatically restored.

(iii) The appellant shall also execute an affidavit of apology expressing her remorse and regret to the victim. The affidavit of apology shall be filed at the time of depositing the amount. The learned trial Judge shall disburse the compensation amount to the victim and also hand over the affidavit of apology given by the appellant to the victim.

4. With this modification in the matter of sentence, the Criminal Appeal stands partly allowed. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District and Sessions Judge,
Karur.
2. The Chief Judicial Magistrate,
Karur
3. The Judicial Magistrate,
Karur
4. The Deputy Superintendent of Police,
Karur.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer, (2 copies)

<https://hcservices.courts.gov.in/hcservices/>

Criminal Records Section,

Madurai Bench of Madras High Court, Madurai.



+1 CC to Mr.R.SARAVANAN, Advocate (SR-74593[F] dated 10/07/2019)

Crl. A. (MD) No. 112 of 2010
10.07.2019

WEB COPY
_MK (05.08.2019) 3P 9C