



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CRL.A. (MD) No.163 of 2010

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Sundarraaj

: Appellant /Sole Accused

Vs.

State represented by
The Inspector of Police,
Vadipatti Police Station,
Madurai District.

(Crime No.258 of 2009)

: Respondent/Complainant

PRAYER : Criminal Appeal filed under Section 374(2) of Cr.P.C, to call for the records of the learned Additional Sessions Judge(FTC-II), Madurai in S.C.No.342 of 2009 and set-aside the judgment and Conviction dated 22.04.2010 by the learned Additional Sessions Judge (FTC-II), Madurai, in S.C.No.342 of 2009 and acquit the appellant.

For Appellant : Mr.A.K.Azagarsami

For Respondent : Mr.A.Robinson,

Government Advocate (Crl.Side)

JUDGMENT

The appellant was convicted for the offence under Section 324 of I.P.C. and sentenced to undergo one year rigorous imprisonment and also levied with fine of Rs.1,000/-, vide judgment dated 22.04.2010, in S.C.No.342 of 2009, on the file of the learned Additional Sessions Judge, Fast Track Court No.II, Madurai. Challenging the same, the appellant filed this Criminal Appeal.

2.When the matter was taken up for hearing, the learned counsel appearing for the appellant submitted that having regard to the evidence on record, he will not be in a position to challenge the finding of guilt. However, he wanted leniency to be shown in the matter of sentence. He pointed out that the appellant and the injured victims are brothers. More than a decade had elapsed, since the occurrence had taken place. He would submit that both are now living on cordial terms.

3.Taking note of these submissions, this Court sustains the conviction imposed on the appellant by the Court below. The appellant was inside for about 50 days. Therefore, the sentence of imprisonment is reduced and modified from one year rigorous imprisonment to the period already undergone. The appellant however undertakes to deposit a sum of Rs.10,000/- as compensation payable to P.W.1. He shall deposit the said amount to the credit of S.C.No.342 of 2009, on the file of the learned Additional Sessions Judge, Fast Track Court No.II, Madurai within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the same shall be handed over to the victim/P.W.1 by the trial



Court. If the appellant fails to do so, he will have to undergo simple imprisonment for six months. The judgments of the Court below is accordingly modified and the criminal appeal is partly allowed.

Sd/-

Assistant Registrar (Records)

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Sub Assistant Registrar(CS)

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To

1.The Additional Sessions Judge,
Fast Track Court No.II,
Madurai.

2.The Inspector of Police,
Vadipatti Police Station,
Madurai District.

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

4.The Record Keeper, (2 copies)
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.K.ALAGARSAMY, Advocate (SR-75557[F] dated 16/07/2019

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SMA/04/02/2020/2P/6C