

**BAIL SLIP**

The Appellant/Accused No.1 Arul Bevila was released on bail as per order of this Court dated 29.06.2010 and made in CrI MP(MD) No.1 of 2010 in CrI A(MD)No.200 of 2010 on the file of this Court.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.A(MD)No.200 of 2010

1.Arul Bevila

2.Alphonse @ Albin

... Appellants/Accused Nos.
1 and 2

Vs

State represented by
The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(Crime No.72/2009)

... Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 374(2) of Cr.P.C., as against the Conviction and Sentence imposed upon then by the Additional District and Sessions Judge, Fast Track Court No.1, Thoothukudi in S.C.No.25 of 2010, by Judgment dated 10.06.2010, wherein, the first appellant/A1 was convicted under Section 324 IPC to undergo two years rigorous imprisonment and to pay Rs.500/- as fine in default to undergo one month simple imprisonment and the second appellant/A2 was convicted under Section 341 of IPC to pay a fine of Rs.500/- in default to undergo one week simple imprisonment.

For Appellants : Mr.A.Thiruvadikumar

For Respondent : Mr.S.Bharathi
Government Advocate (CrI.side)**JUDGMENT**

The appellant were convicted and sentenced by the Additional Sessions Judge, Fast Track Court No.I, Thoothukudi in S.C.No.25 of 2010 as follows:-

Accused	Penal Provision	Punishment
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A1	324 IPC	To undergo imprisonment for two years rigorous imprisonment with fine of Rs.500/-, in default, to undergo one month simple imprisonment.
A2	341 IPC	Fine of Rs.500/-, in default, to undergo, one week simple imprisonment.

Questioning the same, this appeal has been filed.

2. When the matter was taken up for hearing, the appellant's counsel submitted that the first appellant is the daughter-in-law of P.W.1. While the second appellant is the aunt of the first appellant. It appears that they had caused simple injuries to the mother-in-law of the first appellant.

3. Having regard to the evidence on record, the appellant's counsel submitted that he would not challenge the conviction and that, he only pleaded for modification in the matter of sentence.

4. It appears that the first appellant was in prison for about 15 days. The second appellant has only been sentenced to pay fine of Rs.500/- and she has already remitted the same. The appellant's counsel would submit that the first appellant has been chased away from the matrimonial home and her husband has again married even without dissolving the marriage of the first appellant. He would also plead that the first appellant is only a beedi worker and she is suffering from psychiatric issues.

5. Taking note of the mitigating circumstances, I am of the view that even while confirming the conviction imposed on the appellants and also confirming the sentence on the second appellant, the sentence on the first appellant is reduced to the period already undergone by her.

6. With this modification, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Additional District and Sessions Judge, Fast Track Court No.1,
Thoothukudi.

2.The Judicial Magistrate,
Sathankulam, Thoothukudi.

3.Do thro The Chief Judicial Magistrate,
Thoothukudi.

4.The Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.

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

Cr1.A(MD)No.200 of 2010

KK/SAR/20.08.2019/3P-6C/