



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.07.2019
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
CRL.A. (MD) No.208 of 2010

1.Muthukrishnan

2.Balasubramanian @ Balu

: Appellants /Accused Nos. 1 & 2

Vs.

State : The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur.

(Crime No.10 of 2010)

: Respondent/Complainant

PRAYER : Criminal Appeal filed under Section 374 of Cr.P.C, to call for the records in S.S.C.No.22 of 2010 on the file of the I Additional Sessions Judge (PCR), Thanjavur and set aside the same.

For Appellants : Mr.T.A.Ebenezer

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

JUDGMENT

The first appellant was convicted for the offence under Section 324 of I.P.C. and sentenced to undergo one year rigorous imprisonment and the second accused was convicted for the offence under Sections 341 and 324 r/w 34 of I.P.C. and sentenced to undergo one month and one year simple imprisonment respectively, vide judgment dated 22.06.2010 in Special S.C.No.22 of 2010 on the file of the learned I Additional Sessions Judge (PCR), Thanjavur. Questioning the same, this criminal appeal has been filed.

2.When the matter was taken up for hearing, the learned counsel appearing for the appellants submitted that having regard to the evidence on record, he would not challenge the finding of guilt and that he would plead for leniency in the matter of sentence. The appellants were aged about 19 years and 20 years respectively, when the occurrence took place and more than 10 years have lapsed. They have not come under any adverse notice thereafter.

3.Taking note of all these facts, I am of the view that the sentence of imprisonment can be reduced to the period already undergone by them. They had been inside for a period of 40 days already. The appellants have undertaken to deposit a sum of Rs.5,000/- each (totally Rs.10,000/-) to the credit of Special S.C.No.22 of 2010, on the file of the learned I Additional Sessions Judge (PCR), Thanjavur, 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 as compensation. If the



appellants fail to do so, they will have to undergo default sentence of three months simple imprisonment.

4. With this modification in the matter of sentence and with this direction to pay compensation to the victim, the criminal appeal is partly allowed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

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To

1. The I Additional Sessions Judge (PCR),
Thanjavur.

2. The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur.

3. The Record Keeper, (2 copies)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Judicial Magistrate,
Thiruvarur.

+1 CC to Mr. T. A. EBENEZER, Advocate (SR-75118[F] dated 12/07/2019)

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