

**Bail Slip**

The Appellants/Accused namely 1.Peer Mohamed, 2.Selva Kumar, 3.Manikandan, 4.Suresh, 5.Samayaraj, 6.Muthu Manickam were released on bail as per order of this Court dated 06.09.2010 made in MP(MD) No.1 of 2010 in Cr1 A(MD)No.263 of 2010 on the file of this Court.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED : 05.08.2019****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Cr1 A(MD)No.263 of 2010**

1.Peer Mohamed

2.Selva Kumar

3.Manikandan

4.Suresh

5.Samayaraj

6.Muthu Manickam

... Appellants / Accused Nos.1 to 6

Vs.

State, represented through the Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

... Respondent

(in Cr.No.749 of 2005)

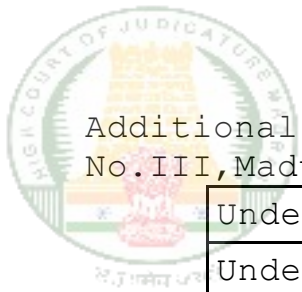
Prayer : This Criminal Appeal is filed under Section 374 of Criminal Procedure Code, to call for the records and set aside the sentence and conviction imposed by the learned Additional District and Sessions Judge, Fast Track Court No.III, Madurai in S.C No.317 of 2009 dated 28.07.2010.

For Appellants : Mr.S.M.A.Jinnah

For Respondent : Mr.A.Robinson
Government Advocate (crl.side)

JUDGMENT

The appellants were convicted and sentenced vide judgment dated 28.07.2010 in S.C No.317 of 2009 on the file of the



Additional District and Sessions Judge/Fast Track Court
No.III, Madurai as follows :

Under Section 148 IPC	2 years R.I + Rs.500/- fine
Under Section 341 IPV	One Month R.I + Rs.500/- fine
Under Section 307 r/w 149 IPC	4 years R.I + Rs.1000/- fine

Aggrieved by the same, this criminal appeal came to be filed.

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 would not question the finding of guilt and that he would be satisfied if some leniency is shown in the matter of punishment. The occurrence had taken place way back in the year 2005. More than 14 years have gone by. The victim is very much alive. The appellants had not come under any adverse notice thereafter. The appellants undertake to deposit a sum of Rs.10,000/- each to the credit of S.C No.317 of 2009 within a period of three months from the date of receipt of a copy of this order. The appellants also undertake to execute individual letters of affidavit of apology expressing their remorse and regret for the occurrence.

3.Taking note of these submissions made by the appellants' counsel, the conviction and fine imposed by the court below is confirmed. However, the sentence of imprisonment imposed on the appellants under various heads is modified and reduced to the period already undergone by them. The appellants are directed to deposit a sum of Rs.10,000/- each to the credit of S.C No.317 of 2009 within a period of three months from the date of receipt of a copy of this order. On such deposit, the learned trial judge shall hand over the same as compensation to the victim/P.W.1 Pandi along with the affidavits of apology to be executed by the appellants individually. If in the event of any appellant not adhering to the direction given by this Court, they will have to undergo default sentence of one month rigorous imprisonment.

4.With this modification in the matter of sentence and with the direction to pay compensation, this appeal is partly allowed. The bail bond executed by the appellants shall stand cancelled.

Sd/-

Assistant Registrar ()

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To

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

2. Do Thro' The Principal Sessions Judge, Madurai

3. The Superintendent, Central Prison, Madurai

4. The Inspector of Police,
Avaniyapuram Police Station, Madurai.

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

copy to
The Section Officer
Criminal Section
Madurai Bench of Madras High Court,
Madurai-2 copies

+1 CC to M/s. S.M.A. JINNAH, Advocate (SR-80386[F] dated 07/08/2019)

skm

Cr1 A(MD) No. 263 of 2010
05.08.2019

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