

**Bail Slip**

The Appellant/Accused namely Thirumal aged about 42 years S/o.Ganapathy was directed to be released on bail as per order of this Court dated 23.12.2011 in M.P(MD).No.1 of 2011 in CRL RC(MD). No.982 of 2011 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL RC (MD)No.982 of 2011

Thirumal

... Petitioner / Appellant / Accused

Vs.

State,

rep.by the Inspector of Police,

Thevaram Police Station,

In Cr.No.209 of 2005),

Theni District.

... Respondent / Respondent / Complainant

Prayer : This Criminal Revision Case is filed under Section 379 r/w. 401 of the Criminal Procedure Code, to call for the records relating to the judgment passed in C.A No.66 of 2010 dated 30.11.2011 on the file of the learned Additional District Judge/Fast Track Court, Periyakulam confirming the conviction and sentence passed in S.C No.27 of 2007 dated 19.10.2010 on the file of the Assistant Sessions Judge, Theni and set aside the same and allow the revision by acquitting the petitioner/accused from all the charges leveled against him.

For Appellant : Mr.M.Gopala Krishna Lakshmana Raja
Senior Counsel for Mr.R.Venkateswaran

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

ORDER

This revision case is directed against the judgment dated 30.11.2011 made in Criminal Appeal No.66 of 2010 on the file of the Additional District Judge/Fast Track Court, Periyakulam dismissing the petitioner's appeal made against the judgment dated



19.10.2010 in S.C No.27 of 2007 on the file of the Assistant Sessions Judge (Sub Judge), Theni and thereby confirming his conviction and sentence under Section 354 IPC and four other sections imposed upon him by the trial court.

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2.The prosecution case in brief runs as under :

On 22.12.2005 there was a camp for family planning operation held at Thevaram Primary Health Centre. After the operation, women patients were brought to the ward for recuperation at about 02.00 P.M. The accused (the revision petitioner herein and one Durairaj) molested the women patients. On 27.12.2005 at about 10.00 P.M, P.W.1 (M.N) lodged Ex.P1 complaint with Thevaram Police Station. Crime No.209 of 2005 was registered for the offence under Section 354 of IPC. P.W.11 Kandasamy, the Sub Inspector of Police conducted the investigation and P.W.12 Ramadhas, the Inspector of Police continued the investigation. He filed final report against the accused for the offences under Sections 354, 376 (2) (d) r/w 511 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act. The accused pleaded not guilty and claimed to be tried.

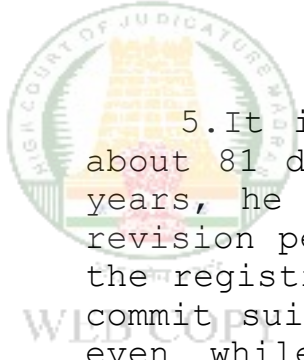
3.The prosecution examined as many as 12 witnesses and marked Exs.P1 to P5. Incriminating circumstances were put to the accused under Section 313 of Cr.Pc. After a detailed consideration of the evidence on record, the learned Trial Judge came to the conclusion that the charges under Sections 354 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act were established by the prosecution beyond reasonable doubt. The conviction and sentence imposed by the trial court is as under :

Under Section 354 of IPC : 2 years Simple Imprisonment
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Under Section 4 of the Tamil Nadu Prohibition of Women Harassment Act : 3 years Simple Imprisonment and levied with a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment.

Aggrieved by the same, the revision petitioner herein filed Crl.A.No.66 of 2010 before the Additional District Sessions Judge/Fast Track Court, Periyakulam. By judgment dated 30.11.2011, the appellate court confirmed the judgment passed by the trial court and dismissed the appeal. Challenging the same, this criminal revision case has been filed.

4.The learned Senior Counsel appearing for the revision petitioner submitted that having regard to the evidence on record, he would not contest the finding of guilt. He would accept the conviction imposed on the revision petitioner and he would be satisfied if leniency is shown in the matter of sentence.



5. It is seen that the revision petitioner was in prison for about 81 days. He had lost his government job. For the last 14 years, he had been engaged in battling this prosecution. The revision petitioner has two girl children. In fact, just prior to the registration of FIR, the revision petitioner even attempted to commit suicide. Taking note of these mitigating circumstances, even while sustaining the conviction imposed on the revision petitioner, this Court modifies and reduces the sentence of imprisonment to the period already undergone.

6. This criminal revision case is partly allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Additional District Judge/Fast Track Court, Periyakulam.
2. Do thro' The Principal District Judge, Theni.
3. The Assistant Sessions Judge, Theni.
4. The District Munsif cum Judicial Magistrate, Bodi.
5. Do Thro' The Chief Judicial Magistrate, Theni.
6. The Inspector of Police, Thevaram Police Station, Theni District.
7. 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 Mr. R. VENKATESWARAN, Advocate (SR-76622[F] dated 22/07/2019)

CRL RC (MD) No. 982 of 2011
17.07.2019