



BAIL SLIP

The Appellants/Sole Accused namely Ayyarsamy, S/o.Balu @ Balasubramaniyan, was directed to be released on bail as per the order of this Court dated 11/1/2012 in MP No.1 of 2011 in CrI RC (MD)No.984 of 2011 on the file of this Court.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C(MD)No.984 of 2011

Ayyarsamy ... Petitioner/Appellant/Sole Accused

Vs

The State

Represented by the Inspector of Police,
Mamsampuram Police Station,
Virudhunagar District.

In Crime No.371 of 2004

... Respondent/Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining Judgment and Conviction passed by the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputhoor in S.C.No.58 of 2005, dated 27.03.2006, convicted him for the alleged offence under Section 307 of IPC to undergo five years rigorous imprisonment and to pay a fine of Rs.100/- in default to undergo three months rigorous imprisonment and for the offence under Section 427 of IPC to undergo three months rigorous imprisonment and the sentences are ordered to be run concurrently and the same was confirmed by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhoor in C.A.No.49 of 2006, dated 27.09.2011 and set aside the same.

For Petitioner : Mr.S.Balakarthick

For Respondent : Mrs.S.Bharathi
Government Advocate (CrI.side)

ORDER

The petitioner was convicted for the offences under Sections 307 and 427 of IPC and sentenced to undergo five years rigorous imprisonment for the offence under Section 307 of IPC and to undergo three months rigorous imprisonment for the offence under Section 427 of IPC. The Judgment passed by the trial Court was confirmed by the Appellate Court. Challenging the same, this revision has been filed.



occurrence had taken place some 15 years ago. The petitioner had been in prison for about three years. He submitted that having regard to the evidence on record, he is not challenging the finding of guilt. The petitioner comes forward to deposit a sum of Rs.5,000/-.

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3. Taking note of this submission, this Court, even while sustaining the conviction imposed by the Courts below, modifies the imprisonment to the period already undergone. The fine amount of Rs.100/- for the offence under Section 307 of IPC is enhanced to Rs.5000/-. The petitioner shall deposit the said fine amount within a period of six weeks from the date of receipt of a copy of this order. In the event of failure to do so, he will have to undergo the default sentences of six months simple imprisonment.

4. With this modification, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Chief Judicial Magistrate, Virudhunagar District, Srivilliputhoor.

2. The Principal Sessions Judge, Virudhunagar District, Srivilliputhoor.

3. The Inspector of Police,
Mamsampuram Police Station,
Virudhunagar District.

4. The Superintendent,
Central Prison, Madurai.

+1 CC to M/s.S.BALAKARTHICK, Advocate (SR-74407[F] dated 10/07/2019)

Cr1.R.C(MD)No.984 of 2011

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KK/06.09.2019/2P-6C

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