



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2019

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.R.C.(MD)No.992 of 2011

1. Ganesan Nadar

2. Madhava Singh @ Madhavan

3. Bhagavath Singh

Petitioners/Appellants/
Accused Nos.1 to 3

Vs.

The State rep. by,
The Sub Inspector of Police,
Kurumbur,
Tiruchendur,
Tuticorin Taluk,
Tuticorin District.

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision petition is filed under Sections 397 and 401 of Cr.P.C., to call for the records of the Judgment dated 04.10.2011 made in Criminal Appeal No.78 of 2010 on the file of the learned Additional Sessions Judge, Fast Track No.1, Tuticorin, partly reversing the Judgment dated 22.09.2010 made in C.C.No.134 of 2006 on the file of the learned Judicial Magistrate, Srivaikundam and set aside the same.

For Petitioners : Mr.A.Thiruvadikumar

For Respondent : Mr.A.Robinson,
Government Advocate(Cr1.Side).

ORDER

The Revision petitioners are three in number. They were convicted and sentenced by the trial Magistrate as follows:-

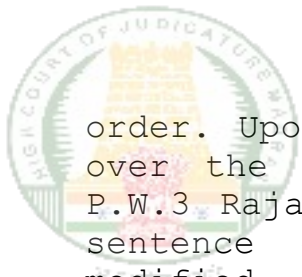
A1/Ganesan Nadar	U/s.323 of I.P.C.(3 counts) and sentenced to undergo 3 months S.I., for each counts and to pay a fine of Rs.500/- for each counts in default 2 weeks S.I.
A2/Madava Singh @ Madavan	U/s.324 of I.P.C. sentenced to undergo 1 year S.I., and to pay a fine of Rs.1,000/- in default 1 month S.I., U/s.506(ii) of I.P.C. and sentenced to undergo 3 years S.I., and to pay a fine of Rs.1,000/- in default to undergo 1 month S.I.
A3/Bhagavath Singh	U/s.323 of I.P.C. and sentenced to undergo 3 months S.I., and to pay a fine of Rs.500/- in default 2 weeks S.I., U/s.336 of I.P.C.(2 counts) and sentenced to undergo 1 month S.I., for each counts, and to pay a fine of Rs.250/- for each counts, in default to undergo 1 week S.I. for each count. U/s.506(ii) of I.P.C. and sentenced to undergo 3 years S.I. and to pay a fine of Rs.1,000/- in default to undergo 1 month S.I.

The appellate Court modified the said Judgment by acquitting the appellants only under Section 506(ii) of I.P.C. Challenging the same, this Criminal Revision has been filed.

2. During the pendency of this Revision case, the first petitioner has passed away and the Death Certificate has also been produced by the petitioner's counsel. Therefore, this Criminal Revision abates as far as he is concerned.

3. The learned counsel appearing for the petitioner submitted that having regard to the evidence on record, he will not be in a position to seriously contest the finding of guilt. He however pleaded for leniency in the matter of sentence.

4. Taking into account the facts and circumstances of this case, this Court even while sustaining the conviction passed by the appellate Court, modifies and reduces the sentence to the period already undergone by them. It is submitted that the petitioners were in prison for about 24 days. Petitioners 2 and 3 herein have come forward to pay a sum of Rs.15,000/- each. They shall deposit the same to the credit of C.C.No.134 of 2006 on the file of the learned Judicial Magistrate, Srivaikundam, within a period of six weeks from the date of receipt of a copy of this



order. Upon such deposit, the learned trial Magistrate shall hand over the said compensation of Rs.30,000/- to P.W.2 Vanaja and P.W.3 Rajasekar in equal shares (Rs.15,000/- + Rs.15,000/-). The sentence of imprisonment imposed by the appellate Court is modified.

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5. The Criminal Revision stands partly allowed, accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Additional Sessions Judge,
Fast Track No.1, Tuticorin.
2. The Judicial Magistrate,
Srivaikundam.
3. The Principal Sessions Judge, Tuticorin.
4. The Sub Inspector of Police,
Kurumbur, Tiruchendur, Tuticorin Taluk,
Tuticorin District.
5. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.A.THIRUVADI KUMAR, Advocate (SR-73945[F] dated 08/07/2019)

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08.07.2019

pmu

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