



Bail Slip

Appellant/Accused viz., P.Jeeva was already released on bail vide this Court Order dated 27.04.2011 and made in MP(MD)No.2 of 2011 in Crl. A(MD)No.277 of 2010.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A. (MD)No.277 of 2010

P.Jeeva

... Appellant/Accused No.1

Vs.

The Inspector of Police,
All Women Police Station,
Lalgudi, Trichy.

... Respondent/Complainant

Prayer: Criminal Appeal is filed under Section 374 of Cr.P.C, to call for the records and set aside the judgment dated 29.07.2010 in S.C.No.167 of 2008, on the file of the Mahila Court, (Additional District Judge), Trichirappalli, acquit the accused.

For Appellant : Mr.Kannan

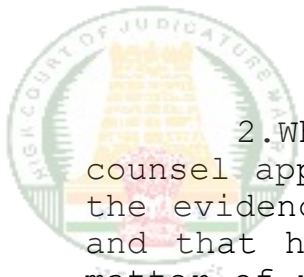
For Mr.R.Sathiskumar

For Respondent : Mr.A.Robinson

Government Advocate (Crl. Side)

J U D G M E N T

The appellant was convicted for the offence under Sections 376 and 417 of I.P.C. vide judgment dated 29.07.2010 in S.C.No.167 of 2008, on the file of the learned Sessions Judge, Mahila Court, Trichirappalli. He was sentenced to seven years rigorous imprisonment for the offence under Section 376 of I.P.C. and one year rigorous imprisonment for the offence under Section 417 of I.P.C. Questioning the same, this criminal appeal has been 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 challenge the finding of guilt and that he would only pray for modification and reduction in the matter of punishment. He is willing to compensate the victim. The appellant's counsel pointed out that the occurrence had taken place way back in the year 2007 and that therefore as per the statutory position then prevailing, the Court can award sentence of imprisonment for a term of less than 7 years for adequate and special reasons to be mentioned in the judgment.

3. The learned counsel for the appellant also produced a copy of the attested affidavit executed by the victim. The victim in her affidavit had stated that she was in love with the appellant and that the physical relationship with him was consensual. In fact, both wanted to marry each other but the appellant's parents opposed the same and this is how the marriage between them could not take place. The victim by herself stated in her affidavit, she is elder to the appellant by one year. Be that as may, the victim had married one Kalaiselvan and she had also given birth to a male child. The appellant had got married to one Punitha. Thus, both the parties have gone their separate ways. The appellant was in prison for about 1 ½ years. The appellant is willing to pay a sum of Rs.25,000/- as token compensation to the victim. Taking note of all these aspects, I am of the view that even while sustaining the conviction of the appellant, the sentence of imprisonment can be reduced to the period already undergone by him. The appellant is directed to deposit a sum of Rs.25,000/- to the credit of S.C.No.167 of 2008, on the file of the learned Sessions Judge, Mahila Court, Trichirappalli within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the same shall be handed over to the victim by the learned Trial Magistrate. In the event of failure on the part of the appellant, the appellant will have to undergo the default sentence of one year rigorous imprisonment. With this modification in the matter of sentence, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



To:

1. The Additional District Judge,
Mahila Court,
Trichirappalli.
2. The Inspector of Police,
All Women Police Station,
Lalgudi, Trichy.
3. The Superintendent,
Central Prison, Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr.Al.Kannan, Advocate, SR.No.80177.

Crl.A. (MD) No.277 of 2011
05.08.2019

CS(13.09.2019) 3P 6C