

**BAIL SLIP**

The Appellant/Accused Mr.Palanisamy, Male, S/o.Kamachi, was released on bail as per the order of this Court dated 27/08/2010 made in MP(MD)No.2 of 2010 in CRL A(MD)No.308 of 2010.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD)No.308 of 2010

Palanisamy

... Appellant/Accused

Vs

State by,
The Inspector of Police,
Palamedu Police Station,
Madurai District.
(Crime No.135 of 2005)

... Respondent/Complainant

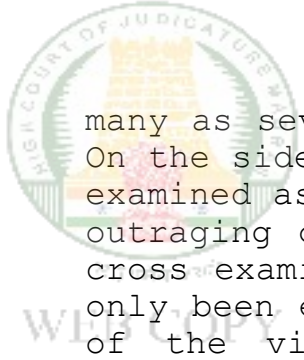
PRAYER: Criminal Appeal is filed under Section 374 of Cr.P.C., against the Judgment of the Mahila Court, Madurai in S.C.No.330 of 2008 by Judgment dated 21.07.2009, convicting the Appellant herein under Section 354 of IPC and sentencing him to undergo one year rigorous imprisonment and to pay fine of Rs.5000/-, in default to undergo rigorous imprisonment for six months.

For Appellant : Mr.S.Ramasamy

For Respondent : Mr.A.Robinson
Government Advocate (Crl.side)**JUDGMENT**

The appellant challenges the conviction and sentence for the offence under Section 354 of IPC in S.C.No.330 of 2008 on the file of the Mahila Court, Madurai, vide Judgment dated 21.07.2009.

2.The appellant outraged the modesty of a nine year old girl (P.W.1). He was also said to have criminally intimidated her during the occurrence. Hence, Crime No.135 of 2007 was registered on the file of the Inspector of Police, Palamedu Police Station for the offences under Sections 354 and 506(i) of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act. Investigation was undertaken and final report was filed before the learned Judicial Magistrate, Vadipatti. The case was committed to the Sessions Court in P.R.C.No.31 of 2008. It was made over to the Mahila Court, Madurai in S.C.No.330 of 2008. Charges were framed against the appellant for the aforesaid offences. The appellant pleaded not guilty and claimed to be tried. In support of the prosecution, as



many as seven witnesses were examined. Ex.P1 to Ex.P6 were marked. On the side of the accused, no evidence was adduced. The victim was examined as P.W.1. She had categorically deposed about the acts of outraging of modesty perpetrated by the appellant herein. She was cross examined by the appellant. In the cross examination, it had only been elucidated that there was prior enmity between the father of the victim girl and the appellant herein. Only a formal suggestion that a false case had put up, had been made. The testimony of the victim could not be shaken in the cross examination. The learned trial Judge, after a detailed consideration of the evidence on record, was of the view that the testimony of P.W.1 is believable. P.W.1 had clearly spoken about the acts committed by the appellant herein.

3. On a careful reading of her testimony, this Court comes to the conclusion that the Judgment of the learned Court below that the prosecution had proved its case beyond reasonable doubt, does not warrant any interference. The conviction imposed by the trial Court stands confirmed. However, taking note of the age of the appellant, the period of imprisonment is reduced from one year to six months rigorous imprisonment. It is made clear that the sentence imposed on the petitioner in Criminal Appeal (MD)No.307 of 2010 will run concurrently. These criminal appeals are partly allowed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Judge, Mahila Court, Madurai.

2.The Inspector of Police,
Palamedu Police Station,
Madurai District.

3.The Superintendent,
Central Prison, Madurai.

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

Copy to: The Section Officer, Criminal Section Records,
Madurai Bench of Madras High Court, Madurai.(2 COPIES)

+1cc to Mr.S.RAMASAMY, Advocate, SR.No.74337

CrI.A (MD) No.308 of 2010
09.07.2019