

**Bail Slip**

Appellants/Accused named 1.Ammaiyappan, aged about 55 years S/o.Ramasamy Nadar, 2.Mariappan aged about 31 years, S/o.Ammaiyappan, 3.Vairamuthu, aged about 21 years S/o.Ammaiyappan, 4.Ayyar aged about 50 years, S/o.Sangili are directed to be released on bail as per order of this Court dated 30.09.2010 made in MP(MD)No.1 of 2010 and CrI.A(MD)No.317 of 2010 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

CrI.A(MD)No.317 of 2010

1.Ammaiyappan
2.Mariappan
3.Vairamuthu
4.Ayyar

... Appellants/Accused 1 to 4

Vs

State represented by
the Inspector of Police,
Sethur Rural Police Station,
Virudhunagar District.
(Crime No.4/2009)

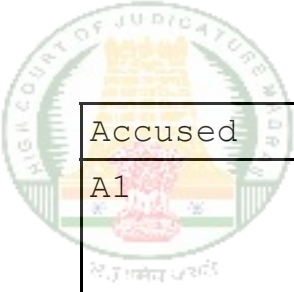
... Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 374 of Cr.P.C., to call for the records of the learned Chief Judicial Magistrate, Virudhunagar District at Srivilliputhur in S.C.No.141 of 2009 and set aside the Judgment and Conviction, dated 10.08.2010 and acquit the appellants.

For Appellants : Mr.S.Kanagarajan
For Respondent : Mr.A.Robinson
Government Advocate (CrI.side)

JUDGMENT

The appellants who are four in number were tried and convicted and sentenced in S.C.No.141 of 2009 on the file of the Chief Judicial Magistrate, Virudhunagar District, Srivilliputhur, as follows:-



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Accused	Penal Provisions	Punishment
A1	307 IPC	To undergo seven years rigorous imprisonment with fine of Rs.1000/-, in default to undergo six months simple imprisonment
A2 to A4	307 r/w 34 IPC	To undergo seven years rigorous imprisonment with fine of Rs.1,000/-, in default to undergo six months simple imprisonment.
A2 & A3	323 IPC	To undergo three months rigorous imprisonment.
A4	342 IPC	To undergo three months rigorous imprisonment and ordered sentence to run concurrently.

Questioning the same, this appeal has been filed.

2. When the matter was taken up for hearing, the appellants' counsel submitted that having regard to the evidence on record, he would not challenge the conviction and that, he would be satisfied, if modification is shown in the matter of sentence. They also offer to pay a sum of Rs.12,500/- each as compensation. While the first appellant was in prison for about 4 ½ months. The other appellants were in prison for about three months during the investigation stage.

3. Taking note of these aspects, particularly, the fact that the occurrence took place for more than a decade ago, this Court even while confirming the conviction, reduces the sentence imposed on the appellants to the period already undergone by them. The appellants are directed to deposit a sum of Rs.12,500/- each to the credit of S.C.No.141 of 2009 on the file of the Chief Judicial Magistrate, Virudhunagar District, Srivilliputhur, within a period of four weeks from the date of receipt of a copy of this order. Upon such deposit, the entire compensation amount will be handed over by the trial Court to P.W.1-Victim Macha Perumal. If the compensation amount is not deposited, the defaulting appellant will have to undergo six months simple imprisonment.



4. With this modification in the matter of sentence and with this direction to pay the compensation amount, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Chief Judicial Magistrate, Virudhunagar District, Srivilliputhur.
2. The Judicial Magistrate, Rajapalayam.
3. The Inspector of Police, Sethur Rural Police Station, Virudhunagar District.
4. The Superintendent of Central Prison, Madurai.
5. The Officer In-Charge, Borstal School, Pudukkottai.
6. 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.

+1CC to S. Kanagarajan, Advocate, SR.No.76428.

Cr1.A(MD)No.317 of 2010
17.07.2019

CS(14.08.2019) 3P 10C