

**Bail Slip**

Vijayakumar, S/O.Rajamanickam was released on bail by the order of this Court dated 07.09.2010 made in MP(MD) No.1/2010 in CRL A (MD) No.318/2010.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 23.07.2019
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A.(MD)No.318 of 2010

Vijayakumar ... Appellant/Accused No.1

Vs.

State by,
The Deputy Superintendent of Police,
Vaippperu Police Station,
Thiruvarur Sub-Division,
Thiruvarur,
Thiruvarur District
(Crime No.16 of 2009)

... Respondent/Complainant

Prayer: Criminal Appeal is filed under Section 374(2) of Cr.P.C, to call for the records pertaining to S.S.C. No.35 of 2010 on the file of the learned I Additional Sessions Judge(PCR), Thanjavur, set aside the conviction and sentence imposed on the appellant by Judgment dated 25.08.2010 and acquit the appellant.

For Appellant : Mr.A.Arun Prasad

For Respondent : M/s.S.Bharathi,
Government Advocate (Crl. Side).

JUDGMENT

The appellant was convicted for the offence under Sections 341 and 324 of I.P.C. and sentenced to undergo one month Simple Imprisonment and 1 year Rigorous Imprisonment and also levied with a fine of Rs.2,000/- vide Judgment dated 25.08.2010 in S.S.C.No.35 of 2010 on the file of the learned I Additional Sessions Judge(PCR), Thanjavur. Questioning the same, the Criminal appeal has been filed.

2. When the matter was taken up for disposal, the appellant's counsel submitted that having regard to the evidence on record, he would not be in a position to challenge the finding of guilt and that he would be satisfied, if the sentence of imprisonment is modified and reduced.



3. The occurrence had taken place in the year 2009. The appellant has not come under the adverse notice of the police, thereafter. The appellant is also ready to compensate the victim for the injuries suffered by him. Taking note of these mitigating aspects, even while sustaining the conviction imposed on the appellant, the sentence of imprisonment is reduced to the period already undergone by the appellant. The appellant shall deposit a further sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of S.C.No.35 of 2010 on the file of the learned I Additional Sessions Judge (PCR), Thanjavur, within a period of four weeks from the date of receipt of a copy of this order. Upon such deposit, the same shall be handed over to P.W.1 Ganeshkumar. If the appellant fails to do so, the Judgment passed against the appellant will stand automatically restored.

4. The Criminal Appeal stands partly allowed, accordingly.
No costs.

Sd/-
Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To:

1. The I Additional Sessions Judge (PCR),
Thanjavur.
2. Do Through The Principal Sessions Judge,
Thanjavur.
3. The Deputy Superintendent of Police,
Vaipiperu Police Station,
Thiruvarur Sub-Division,
Thiruvarur, Thiruvarur District.
4. The Judicial Magistrate No.I,
Thanjavur.
5. Do Through the Chief Judicial Magistrate,
Thanjavur at Kumbakonam.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
7. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.
(2 copies)

+1 CC to M/s.A. ARUN PRASAD, Advocate (SR-10184[D] dated 30/07/2019)

Cr1.A.(MD)No.318 of 2010
23.07.2019