



Bail Slip

The Appellant/Accused namely Saravanan S/o.Gopal Nadar was released on bail by this Honourable Court made in Crl MP(MD) No.1/2010 in Crl.A(MD)NO.327/2010 dated 19.10.2010.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCrl. A. (MD) No.327 of 2010

Saravanan

.. Appellant/Accused

Vs.

State rep. by,
The Inspector of Police,
Meignanapuram Police Station,
Tuticorin District.
(Crime No.100 of 2009)

.. Respondent/Complainant

Prayer : This Criminal Appeal is filed under Section 374(2) of Cr.P.C., to call for the records from the learned Additional Sessions Judge, Fast Track Court No.I, Tuticorin, Tuticorin District and to set aside the Judgment of the lower Court by acquitting the appellant in S.C.No.39 of 2010, dated 03.08.2010.

For Appellant : Mr.V.Kathirvelu,
Senior Counsel,
for Mr.K.Prabhu.

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

JUDGMENT

The appellant was convicted for the offence under Section 376 of I.P.C. and sentenced to 7 years Rigorous Imprisonment and levied with a fine of Rs.1,000/- vide Judgment dated 03.08.2010 in S.C.No.39 of 2010 on the file of the learned Additional Sessions Judge/Fast Track Court No.I, Thoothukudi.

2. The prosecution case is that the appellant gave false promise to the victim that he would marry her and that he had sexual intercourse with her. Thereafter, he went back on his words. That led the victim P.W.1 to lodge Ex.P.1 complaint before Meignanapuram police station. Crime No.100 of 2009(Ex.P.9) was registered. Investigation was undertaken and final report was filed and committed to the Sessions Court and it was made over to the learned Additional Sessions Judge, Fast Track Court No.I,



Thoothukudi. The appellant was found guilty by the learned trial Judge.

3. This Court went through the testimony of P.W.1. It is seen therefrom that the relationship between the parties was rather conjectural. Therefore, the Court below could not have convicted the appellant for the offence under Section 376 of I.P.C. This Court also takes note of the subsequent developments. The appellant and the victim had married each other. In fact they are having two children. The victim appeared before me along with children and stated that she is now living happily with the appellant.

4. I therefore set aside the impugned Judgment of the Court below. The Criminal Appeal stands allowed, accordingly. The appellant is acquitted of the offence under Section 376 of I.P.C. The bail bond, if any, executed by him shall stand cancelled and fine amount, if any, paid by him, is to be repaid to him. No costs.

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Sessions Judge,
Tuticorin
2. The Additional Sessions Judge,
Fast Track Court No.I, Tuticorin,
Tuticorin District.
3. The Judicial Magistrate,
Sathankulam
4. The chief Judicial Magistrate, Thoothukudi
5. The Superintendent, Central Prison
Palayamkottai
6. The Inspector of Police,
Meignanapuram Police Station,
Tuticorin District.
7. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai



8.The Section Officer,-2 copies
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-77039[F] dated 23/07/2019)

pmu

Cr1. A.(MD)No.327 of 2010
23.07.2019

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