

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 23.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****CRL A (MD)No.352 of 2010**

Jeyamoorthy

...Appellant/Accused No.1

Vs.

State through the Inspector of Police,
Alangudi Circle,
Regunathapuram Police Station,
(Crime No.19 of 2007),
All Women Police Station,
Pudukkottai District.

...Respondent

Prayer : This Criminal Appeal is filed under Section 374(2) of Criminal Procedure Code, to call for the records in S.C No.25 of 2010 on the file of the Mahila Court, Pudukkottai, set aside the conviction and sentence imposed on the appellant by the Mahila Court, Pudukkottai in S.C No.25 of 2010 by judgment dated 04.09.2010, acquit the appellant.

For Appellant : Mr.R.Suresh Kumar

For Respondent : Mr.S.Robinson

Government Advocate (crl.side)

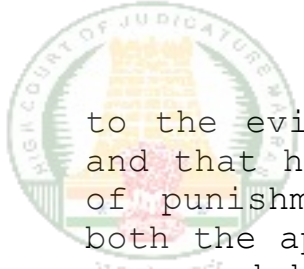
JUDGMENT

The appellant was convicted for the offence under Sections 417 and 420 of IPC and sentenced to undergo one year rigorous imprisonment vide judgment dated 04.09.2010 in S.C No.25 of 2010 on the file of the learned Mahila Court, Pudukkottai.

2.The prosecution case is that the appellant had held out a false assurance to marry the victim and induced the victim to have physical relationship with him. Thereafter, the appellant went back on his words. That led to the registration of Crime No.19 of 2007 on the file of the All Women Police Station, Pudukkottai. Investigation was taken up and final report came to be filed against the appellant and also his friends. But, after a full-fledged trial, the appellant alone was convicted and sentenced while the other three accused were acquitted.

<https://hcservices.ecourts.gov.in/hcservices/>

3.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 conviction and that he would be satisfied if leniency is shown in the matter of punishment. The appellant's counsel further submitted that both the appellant as well as the victim had gone their respective ways and both of them are leading their independent lives. The appellant also came forward to deposit a sum of Rs.15,000/- as compensation to the victim. The appellant was in prison for about 34 days.

4. Taking note of all these aspects, even while sustaining the conviction imposed on the appellant, this Court modifies and reduces the sentence to the period already undergone. The appellant is directed to deposit a sum of Rs.15,000/- as compensation by remitting it to the credit of S.C No.25 of 2010 on the file of the Mahila Court, Pudukottai within a period of twelve weeks from the date of receipt of a copy of this order. The appellant shall also execute an affidavit of apology expressing his sense of regret and shame. The learned Trial Judge while handing over the compensation amount to the victim shall also hand over a copy of the affidavit of apology to be executed by the appellant. If the appellant fails to do so, the judgments of the court below shall stand automatically restored.

5. With this modification and direction, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police, Alangudi Circle,
Regunathapuram Police Station, All Women Police Station,
Pudukkottai District.
2. The Judge, Mahila Court, Pudukkottai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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