

**Bail Slip**

Alagarsamy, S/o.Rasu, aged about 47 years, was released on bail vide order made in MP(MD)No.1/2010 in CrI A(MD)No.366/2010

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL.A. (MD)No.366 of 2010

Alagarsamy

: Appellant /Sole Accused

Vs.

State represented by
The Inspector of Police,
Alanganallur Police Station,
Madurai District.
(Crime No.94 of 2008)

: Respondent/Complainant

PRAYER : Criminal Appeal filed under Section 374(2) of Cr.P.C, to call for the records of the learned Additional Sessions Judge (FTC -III), Madurai in S.C.No.34 of 2010 and set aside the judgment and conviction dated 15.09.2010 and acquit the appellant.

For Appellant : Mr.A.K.Azagarsami
For Respondent : Mr.A.Robinson,
Government Advocate (CrI.Side)

JUDGMENT

The appellant was convicted and sentenced vide judgment dated 15.09.2010 in S.C.No.34 of 2010, on the file of the learned Additional Sessions Judge, Fast Track Court No.III, Madurai, as follows:

Accused	Penal Provisions	Punishment
Sole Accused	341 IPC	To undergo one month simple imprisonment
	307 IPC	To undergo 4 years rigorous imprisonment and to pay a fine of Rs.5,000/-. In default, to undergo 6 months rigorous imprisonment.
	506(ii) IPC	To undergo 2 years rigorous imprisonment and to pay a fine of Rs.1,000/-

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

Aggrieved by the same, this criminal appeal has been filed.



2. 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 will not be in a position to challenge the finding of guilt. He is pleading only for leniency in the matter of sentence. He undertakes to execute a affidavit abject apology to the victim. He is also ready to pay a sum of Rs.20,000/- as compensation. The appellant is said to have been in prison for almost 100 days. Taking note of all these aspects, even while sustaining the conviction imposed on the appellant, the sentence of imprisonment is reduced to the period already undergone. Over and above, the compensation already paid to the victim, the appellant is directed to deposit a sum of Rs.20,000/- to the credit of S.C.No.34 of 2010, on the file of the learned Additional Sessions Judge, Fast Track Court No.III, Madurai, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the same shall be handed over to the victim as compensation. At the time of making the deposit, the appellant shall also execute an affidavit indicating his sense of remorse and regret and he shall express his unconditional apology to the victim. A copy of the said affidavit of apology shall be given to the victim along with the compensation. If the appellant fails to do so as undertaken before this Court within the time stipulated, the appellant will undergo default sentence of six months simple imprisonment. With this modification in the matter sentence and direction to pay compensation, the criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Additional Sessions Judge (FTC -III),
Madurai.
2. The Inspector of Police,
Alanganallur Police Station,
Madurai District.
3. The Record Keeper,
Crl Section, (records) (2 COPIES)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.K.ALAGARSAMY, Advocate (SR-75558[F] dated
16/07/2019)

CRL.A. (MD) No.366 of 2010
12.07.2019