



Bail Slip

The Appellant herein/Accused Viz. Namely Nainar, S/o.Sornam, was released on bail as per order of this Court, dated 20.10.2010 and made in MP(MD).No.1/2010 in Crl.A.(MD).No.381/2010

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD)No.381 of 2010

Nainar

... Appellant /Sole Accused

Vs

State represented by
The Inspector of Police,
Sathankulam Police Station,
Sathankulam,
Thoothukudi District.
(Cr.No.403/09)

... Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 374(2) of Cr.P.C., to admit this appeal on file call for the records in S.C.No.120 of 2010 on the file of the Additional Sessions Judge/Fast Track Court No.II, Thoothukudi and set aside the sentence and conviction imposed on the appellant by the Fast Track Court No.II on 21.09.2010, allow this appeal.

For Appellant : Mr.Antony S.Prabahar

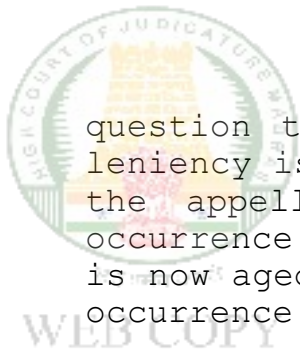
For Respondent : Mr.A.Robinson
Government Advocate (Crl.side)

JUDGMENT

The appellant was convicted for the offences under Sections 294(b) and 326 of IPC and sentenced to three years rigorous imprisonment and levied with nominal fee, vide Judgment dated 21.09.2010 in S.C.No.120 of 2010 on the file of the Additional Sessions Judge/Fast Track Court No.2, Thoothukudi. Questioning the same, this appeal has been filed.

2.When the appeal was taken up for hearing, the learned counsel appearing for the appellant submitted that he would not

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



question the finding of guilt and that he would be satisfied, if leniency is shown in the matter of punishment. He pointed out that the appellant as well as the victim are Masons and that the occurrence had taken place due to heat of the moment. The appellant is now aged about 69 years and he has no other bad antecedents. The occurrence itself had taken place some ten years ago.

3.Taking note of this mitigating aspect, even while sustaining the conviction imposed on the appellant, the sentence of imprisonment is reduced from three years to the period already undergone by the appellant. The appellant is however directed to deposit a sum of Rs.25,000/- to the credit of S.C.No.120 of 2010 on the file of Additional Sessions Judge/Fast Track Court No.II, Thoothukudi, within a period of ten weeks from the date of receipt of a copy of this order. The appellant shall also execute the affidavit of apology expressing his regret and remorse for having caused a serious injury to the victim. On such deposit, the trial Court shall arrange to disburse the compensation amount of Rs.25,000/- to the victim/P.W.1 Devaraj along with the copy of the affidavit of apology executed by the appellant. If the appellant fails to adhere to the direction mentioned herein within the stipulated period, the Judgment passed by the trial Court would stand automatically restored.

4.With this modification in the matter of punishment and with this direction, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CS-II)

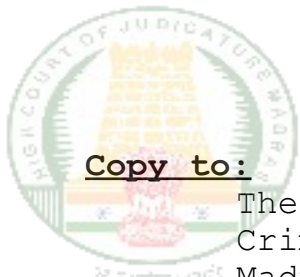
// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Judicial Magistrate, Sathankulam,
Tuticorin District
- 2.The Chief Judicial Magistrate,
Tuticorin District
- 3.The Additional Sessions Judge/Fast Track Court No.II,
Thoothukudi.
- 4.The The Inspector of Police, Sathankulam Police Station,
Sathankulam, Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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



Copy to:

The Record Keeper, (2 Copies)
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

WEB COPY

+1 CC to M/s.ANTONY S.PRABAHAR, Advocate (SR-78362[F] dated
30/07/2019

Crl.A(MD)No.381 of 2010
29.07.2019

rmi

JMN(30.08.2019) 3P : 9C