

**BAIL SLIP**

The Appellants/Accused 1 to 3 namely 1) Mattudaiyan @ Ammakome, 2) Murugesan and 3) Mookkammal were released on bail by this Hon'ble Court made in MP(MD) No.1/2010 in CRL A(MD) No.385/2010 dated 25.10.2010 and 09.11.2010.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.07.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.A.(MD)No.385 of 2010

1.Mattudaiyan @ Ammakome
2. Murugesan
3. Mookkammal

... Appellants/ Accused Nos.1 to 3

Vs.

The State rep. by,
The Inspector of Police,
Authoor Police Station,
Tuticorin District.
(Crime No.34 of 2009)

... Respondent/Complainant

Prayer: Criminal Appeal is filed under Section 374(2) of Cr.P.C, to call for the records relating to the Judgment dated 18.10.2010 made in S.C.No.185 of 2009 on the file of the learned Additional Sessions Judge-cum-Fast Track Court No.1, Tuticorin and set aside the same as illegal and allow the above appeal.

For Appellants : Mr.V.Kathirvelu,
Senior counsel,
for Mr.K.Prabhu.

For Respondent : Mr.A.Robinson,
Government Advocate (Cr1. Side).

JUDGMENT

The appellants were convicted and sentenced by the learned Additional Sessions Judge/Fast Track Court No.I, Thoothukudi, in S.C.No.185 of 2009 vide Judgment dated 18.10.2010 as follows:-

Rank of the accused	Offence	Sentence	Fine	Default of payment
Accused No.1	307 I.P.C., (2 Counts)	5 years R.I. each	Rs.1,000/- each	1 year R.I. Each
Accused No.2	307 of I.P.C.	5 years R.I.	Rs.1,000/-	1 year R.I.
Accused No.3	113 r/w 307 I.P.C.	5 years R.I.	Rs.1,000/-	1 year R.I.

Challenging the same, this Criminal Appeal has been filed.

2. When the matter was taken up for disposal, the learned Senior counsel appearing for the appellant submitted that having regard to the evidence on record, he would not contest the finding of guilt imposed on the appellant and that he would be satisfied, if modification is given in the matter of sentence. It is seen that accused Nos.1 and 2 had spent about 67 days in prison. The third accused had spent 44 days in prison.

3. The appellants have now come forward to deposit a sum of Rs.20,000/- to the credit of S.C.No.185 of 2009 on the file of the learned Additional Sessions Judge/Fast Track Court No.I, Thoothukudi, as compensation to be payable in equal share to P.W.1 and P.W.2.

4. Taking note of the undertaking given by the appellants to compensate the victim and the mitigating factors, the sentence imposed on the appellant is modified and reduced to the period already undergone by them. The appellants shall deposit a sum of Rs.20,000/- to the credit of S.C.No.185 of 2009 on the file of the learned Additional Sessions Judge/Fast Track Court No.I, Thoothukudi, within a period of four weeks from the date of receipt of a copy of this order. Upon such deposit, the learned trial Judge shall disburse the sum of Rs.20,000/- in equal share to P.W.1 Vannamuthu and P.W.2 Nainar. The appellants shall also file a notarized affidavit of apology expressing the sense of regret for what has happened, along with the deposit of compensation. The copies of the affidavit of apology shall also be furnished to the victim. If the appellants fail to deposit the amount, they shall suffer three months Simple Imprisonment by way of default.

5. With this modification, this Criminal Appeal stands partly allowed. No costs.

Sd/-
Assistant Registrar (CS-II)

/TRUE COPY/



To:

1. The Additional Sessions Judge-cum-Fast Track Court No.1, Tuticorin.
2. The Inspector of Police,
Authoor Police Station,
Tuticorin District.
3. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai.
4. The Judicial Magistrate,
Tiruchendur, Tuticorin District.
5. The Chief Judicial Magistrate,
Thoothukudi.
6. The Principal Sessions Judge,
Thoothukudi.
7. The Superintendent,
Central Prison, Palayamkottai.
8. The Superintendent,
Central Prison for Women, Tiruchy.
9. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-77041[F] dated 23/07/2019)

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23.07.2019

pmu

JM/04.09.2019/3P/11C