



Bail Slip

The Appellant/Accused namely Mari, S/o.Thangasamy was released on bail as per the order of this Court dated 03.11.2010 made in MP(MD).No.1 of 2010 in Crl.A.(MD).No.392/2010.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl. A.(MD)No.392 of 2010

Mari

... Appellant/Accused

Vs.

State represented by,
The Inspector of Police,
Prohibition Enforcement Wing,
Paramakudi, Ramanathapuram District.
(Crime No.236 of 2003)

... Respondent/Complainant

Prayer : This Criminal Appeal is filed under Section 374(2) of Cr.P.C., to call for the records relating to the Judgment in S.C.No.94 of 2010 dated 13.10.2010 on the file of the Additional District and Sessions Judge, Fast Track Court, Ramanathapuram and set aside the same and allow the appeal by acquitting the appellant/accused from the charge levelled against him.

For Appellant : Mr.R.Venkateswaran

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

JUDGMENT

The appellant was convicted for the offence under Sections 4 (1-A) of Tamil Nadu Prohibition Act 1937 and sentenced to undergo 5 years Rigorous Imprisonment vide Judgment dated 13.10.2010 in S.C.No.94 of 2010 on the file of the Additional District Sessions Judge/Fast Track Court, Ramanathapuram. Questioning the same, this Criminal appeal has been filed.

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the appellant submitted that the appellant is now eking out his livelihood by running a Tiffin centre at Calcutta. The occurrence had taken place in the year 2003. For the last 10 years, the petitioner has not come under the adverse notice of the police anywhere. The appellant had spent about 34 days in prison. In this case, no injury or death has been



caused. The only allegation against the appellant is that he was in possession of 100 liters of illicit Arrack. The learned counsel appearing for the appellant submits that he would not challenge the finding of guilt and he would be satisfied, if leniency is shown in the matter of punishment.

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4. Taking note of the mitigating circumstances pleaded by the appellant, even while sustaining the conviction imposed on the appellant, the sentence of imprisonment imposed on him is modified and reduced to period already undergone.

5. The Criminal Appeal stands partly allowed. The bail bond, if any, executed by him shall stand cancelled. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Principal Sessions Judge, Ramanathapuram.
- 2.The Additional District and Sessions Judge,
Fast Track Court, Ramanathapuram.
- 3.The Judicial Magistrate, Paramakudi.
- 4.The Chief Judicial Magistrate, Ramanathapuram.
- 5.The Inspector of Police, Prohibition Enforcement Wing,
Paramakudi, Ramanathapuram District.
- 6.The Superintendent, Central Prison, Madurai.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

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

+1 CC to M/s.R.VENKATESWARAN, Advocate (SR-80153[F] dated
07/08/2019)

Crl. A.(MD)No.392 of 2010
02.08.2019

JMN(17.12.2019) 2P : 11C

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