

**Bail Slip**

The Appellants/Accused namely 1.Ramar aged 45 years, S/o.Ganesan 2.Sankar aged 40 years, S/o.Ganesan are directed to be released on bail as per Order of this Court dated 02/11/2010 made in MP(MD)No.1 of 2010 in CrI.A(MD)No.404 of 2010 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL A (MD)No.404 of 2010

1.Ramar
2.Sankar

... Appellants / Accused Nos.1 and 2

Vs.

State rep.by
The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.
Crime No.90 of 2000
(on the file of Aviyoor
Police Station)

... Respondent / Complainant

Prayer : This Criminal Appeal is filled under Section 374 of Criminal Procedure Code, to call for the records pertaining to the order of conviction in Special S.C No.16 of 2009 dated 06.10.2010 passed by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur and set aside the same.

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

JUDGMENT

The appellants herein were convicted for the offence under Section 324 of IPC and sentenced to undergo six months rigorous imprisonment and also to pay a fine of Rs.5,000/- each vide judgment dated 06.10.2010 in Special S.C No.16 of 2009 on the file of the Principal Sessions Judge, Virudhunagar District at Srivilliputhur. Challenging the same, this criminal appeal has been filed.



2. During the pendency of this appeal, the first appellant Ramar died. The second appellant Sankar was in custody for about 45 days. He paid a sum of Rs.5,000/- as compensation. The learned counsel for the appellants submitted that having regard to the evidence on record obtaining in this case, he would not question the finding of guilt and he would be satisfied if the sentence of imprisonment is reduced to the period already undergone and he is also ready to pay a sum of Rs.15,000/- as compensation.

3. Recording the said undertaking given by the appellants' counsel, this Court even while confirming the conviction imposed on the second appellant, reduces and modifies the sentence of imprisonment to the period already undergone. The second appellant is directed to deposit a sum of Rs.15,000/- more to the credit of Special S.C No.16 of 2009 on the file of the Principal Sessions Judge, Virudhunagar District at Srivilliputhur within a period of eight weeks from the date of receipt of a copy of this Judgment. If the said amount is not deposited within the aforesaid period, the judgment passed by the court below would stand restored automatically. The court below shall ensure that the said amount is disbursed to the victim P.W.1 as compensation. Since the first appellant is no more, proceedings against him stand abated.

4. This criminal appeal is partly allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Sessions Judge,
Virudhunagar District at Srivilliputhur.
2. The Judicial Magistrate No.II, Virudhunagar.
3. The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.
4. The Deputy Superintendent of Police,
Aruppukottai, Virudhunagar District.



5. The Inspector of Police,
Aviyoor Police Station.

6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to: The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.KANNAN, Advocate SR-75281.

CRL A (MD) No. 404 of 2010
11.07.2019

CS(08.08.2019) 3P 10C