

**BAIL SLIP**

The Appellant/Accused viz., Michael Anthonimuthu, S/o.Jesumariyan, was released on bail as per order of this Court dated 6.12.2010 made in MP No.1 of 2010 in Crl A(MD)408 of 2010.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 23.07.2019****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Crl.A.(MD)No.408 of 2010**

Micheal Anthonimuthu

... Appellant/Sole Accused

Vs.

State represented by,
The Inspector of Police,
Sathankulam Police Station,
Tuticorin District.

... Respondent

(Crime No.138 of 2009)
(Crime Number is amended as per the orders
of this Court made in M.P.(MD)No.2 of 2010
in Crl.A.(MD)No.408 of 2010 vide is order
dated 21.12.2010)

Prayer: Criminal Appeal is filed under Section 374(2) of Cr.P.C, to set aside the judgment dated 04.09.2010 in S.C.No.215 of 2009 of the learned Additional Sessions Judge (Fast Track Court No.I), Tuticorin, and acquit the appellant/accused of the charge.

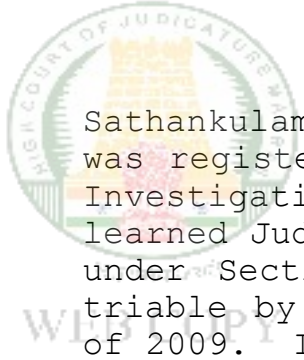
For Appellant : Mr.P.Balamurugan
For M/s.Jeyapaul Associates

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

J U D G M E N T

The appellant was convicted for the offence under Section 307 of I.P.C. and sentenced to undergo seven years rigorous imprisonment vide judgment dated 04.09.2010 in S.C.No.215 of 2009, on the file of the learned Additional Sessions Judge, Fast Track Court No.I, Thoothukudi.

2.The prosecution case is that the appellant and his brother of P.W.9/Siluvai Savarimuthu had a partition related dispute. In view of this motive, on 16.03.2009 at about 07.45 p.m., the appellant had caused grievous injury on his brother with M.O.1. P.W.9/Silvai Savarimuthu was injured on several vital parts of his body. In this regard P.W.9 lodged Ex.P.1/complaint before



Sathankulam Police Station. Based on the same, Crime No.138 of 2009 was registered for the offence under Section 307 of I.P.C.(Ex.P.6). Investigation was taken up and final report was filed before the learned Judicial Magistrate, Sathankulam. Cognizance of the offence under Section 307 of I.P.C. was taken. Since it is exclusively triable by the Sessions Court, committal was made vide P.R.C.No.23 of 2009. It was made over to the learned Additional Sessions Judge, Fast Track Court No.I, Thoothukudi in S.C.No.215 of 2009. The appellant denied the charge and claimed to be tried.

3.The prosecution examined as many as 14 witnesses and marked Exs.1 to 15. M.O.1 to M.O.4 were also marked.

4.The learned Trial Judge after detailed consideration of the evidence on record found the appellant guilty for the offence with which he was charged and sentenced him accordingly. Challenging the same, this criminal appeal has been filed.

5.The prosecution had examined the victim as P.W.9. The testimony of the victim is more than sufficient to sustain the impugned judgment. The learned counsel appearing for the appellant submitted that having regard to the evidence on record, he would not challenge the finding of guilt and that he would be satisfied if some modification shown in the matter of punishment.

6.Since the appellant has pleaded his guilty before this Court, I am of the view that the sentence of imprisonment imposed on him can be reduced from seven years rigorous imprisonment to five years rigorous imprisonment. At this stage the appellant's counsel states that the appellant appears to be undergoing sentence in connection some other case also. The sentence imposed in this case will run concurrently. With this modification in the matter of sentence, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

Sub Assistant Registrar(CS)

To:

1.The Additional Sessions Judge,
Fast Track Court No.I,
Thoothukudi.

2.The Principal Sessions Judge, Thoothukudi.

3.The Judicial Magistrate, Sathankulam.

<https://hcservices.ecourts.gov.in/hcservices/>
4.-Do thro- The Chief Judicial Magistrate,
Tuticorin District.



5.The Superintendent,
Central Prison,
Palayamkottai.

6.The Inspector of Police,
Sathankulam Police Station,
Tuticorin District.

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

Copy to:
The Section Officer,
Criminal Section/Records,
Madurai Bench of Madras High Court,
Madurai.(2 COPIES)

+1 CC to M/s.J.ASHOK, Advocate (SR-77111[F] dated 24/07/2019)

Crl.A. (MD) No.408 of 2010
23.07.2019

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