



Bail Slip

1. Pandiyan @ Karikadaipandiyan

2. Dhanraj

3. Sarathkumar @ Sarath

4. Nagendran

... Appellants in CrI.A.(MD)No.458 of 2010

M. Rajini @ Rajiniraj

... Appellant in CrI.A.(MD)No.463 of 2010

were released on bail vide order made in MP(MD).No.1/2010 in CrI.A.
(MD).No.458/2010 and MP(MD).No.1/2010 in CrI.A.(MD).No.463/2010.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

CrI.A.(MD)Nos.458 and 463 of 2010

1. Pandiyan @ Karikadaipandiyan

2. Dhanraj

3. Sarathkumar @ Sarath

4. Nagendran

... Appellants in CrI.A.(MD)No.458 of 2010

M. Rajini @ Rajiniraj

... Appellant in CrI.A.(MD)No.463 of 2010

Vs.

State rep by

The Inspector of Police,
Anna Nagar Police Station,
Madurai.

(Crime No.837 of 2009)

... Respondent in both CrI.As

Common Prayer: Criminal Appeal is filed under Section 374 of Cr.P.C,
to set aside the judgment dated 24.11.2010 made in S.C.No.26 of
2010, on the file of the learned Additional Sessions Judge Cum Fast
Track Court No.III, Madurai.

For Appellant
(in CrI.A.(MD)No.458 of 2010)

: Mr.C.Mayil Vahana

For Appellant
(in CrI.A.(MD)No.463 of 2010)

: Mr.G.Marimuthu

For Respondent
(in both Criminal Appeals)

: Mr.A.Robinson
Government Advocate (CrI. Side)

**C O M M O N J U D G M E N T**

The appellants in these appeals were found guilty of the offence and sentenced as follows:-

Accused	Penal Provisions	Punishment
A1 to A5	148 IPC	To undergo one one year rigorous imprisonment
	307 IPC	To undergo 4 years rigorous imprisonment and to pay a fine of Rs.1,000/-. In default, to undergo 6 months rigorous imprisonment.
	307 IPC r/w. 149 IPC	To undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,000/-. In default, to undergo 6 months rigorous imprisonment.

Questioning the judgment dated 24.11.2010 in S.C.No.26 of 2010, on the file of the learned Additional Sessions Court, Fast Track Court No.III, Madurai, these appeals have been filed by the five accused.

2.When the matter was taken up for hearing, the learned counsel appearing for the appearing for the appellants submitted that they would not challenge the conviction imposed on them and that they would be satisfied if leniency is to be shown in the matter of punishment. It is seen that the appellants were students during the relevant time and that they had already spent about 50 days in incarceration. The occurrence had taken place some 10 years ago. Therefore, I am of the view thast even while sustaining the conviction, sentence can be modified. Therefore, the sentence imposed on the appellants is reduced to the period already undergone by them. The appellants through their counsel gave an undertaking that each appellant will pay a sum of Rs.3,000/-. The appellants are directed to deposit a sum of Rs.3,000/- each to the credit of S.C.No.26 of 2010, on the file of the learned Additional Sessions Judge, Fast Track Court No.III, Madurai, within a period of six weeks from the date of receipt of a copy of this judgment. In the event failure on the part of the appellants to do so, the defaulting appellant will have to undergo default sentence of six months simple imprisonment. On such deposit, the Trial Court shall hand over a sum of Rs.7,500/- to P.W.2/Ravikumar and a sum of Rs.7,500/- to P.W.3/Pandiaraj. With this modification in the matter of sentence,



these criminal appeals are partly allowed.

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Sd/-

Assistant Registrar (CS-III)

Sub Assistant Registrar (CS)

To:

1. The Additional Sessions Judge Cum
Fast Track Court No. III, Madurai.
2. The Inspector of Police,
Anna Nagar Police Station,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

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

Crl.A. (MD) Nos. 458 and 463 of 2010
17.07.2019

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