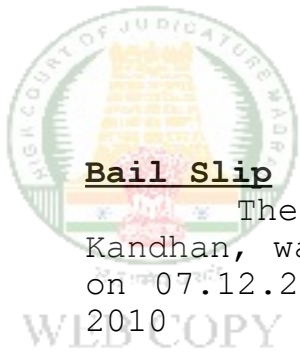




The Appellant/Sole Accused Viz. Karuppaiah, S/o.Chinna Kandhan, was enlarged on bail as per the order of this Hon'ble Court on 07.12.2010 in Crl.M.P.(MD).No.1 of 2010 in Crl.A.(MD).No.460 of 2010

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A.(MD)No.460 of 2010

Karuppaiah

... Appellant

Vs.

State represented by,
The Inspector of Police,
Thiruvenkatam,
Tirunelveli District.
(Crime No.133/2006)

... Respondent

Prayer: Criminal Appeal is filed under Section 374(2) of Cr.P.C, to call for the records from the Assistant Sessions Court, Sankarankovil, Tirunelveli District, and to duly set aside the judgment of the Lower Court by acquitting the appellant in S.C.No.479 of 2007, dated 23.11.2010.

For Appellant : Mr.V.Kathirvelu, Senior Counsel
For Mr.K.Prabhu

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

J U D G M E N T

The appellant was convicted and sentenced vide judgment dated 23.11.2010 in S.C.No.479 of 2007, on the file of the learned Assistant Sessions Judge, Sankarankovil, Tirunelveli District as follows:-



S.No	OFFENCE	SENTENCE	FINE	DEFAULT OF PAYMENT
1	341 IPC	1 Month Simple Imprisonment	500/-	1 Week Simple Imprisonment
2	307 IPC	10 Years Rigorous Imprisonment	2500/-	3 Month Simple Imprisonment
3	U/s.506 (ii) IPC	1 Year Rigorous Imprisonment	1000/-	1 Month Simple Imprisonment

Challenging the same, this criminal appeal has been filed.

2.The learned Senior 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 leniency is shown in the matter of punishment. The appellant is now aged more than 60 years. The occurrence itself took place some 13 years ago. The appellant is not having any bad antecedents. He had not come under adverse notice of the police after the occurrence. The only motive for the occurrence is the suspicion entertained by the appellant that P.W.1 was the cause for separating the appellant from his wife. The appellant was in prison for about 90 days. The appellant is willing to pay a sum of Rs.50,000/- as token compensation to the victim. Taking note of all these mitigating factors put forth by the learned Senior Counsel for the appellant, I am of the view that interest of justice will be served by sustaining the conviction imposed on the appellant and reducing the period of imprisonment in respect of all the offences to three months simple imprisonment. The said period of three months imposed for each of the offence will run concurrently. That will be over and above the period of imprisonment already undergone by the appellant. In other words, the appellant will not be entitled to the benefit of set off in terms of Section 428 of Cr.P.C. The appellant will also deposit a sum of Rs.50,000/- to the credit of S.C.No.479 of 2007, on the file of the learned Assistant Sessions Judge, Sankarankovil, within a period of eight weeks from the date of receipt of a copy of this judgment. On such deposit, the the same shall be handed over to the victim by the learned Trial Judge. In the event of failure on the part of the appellant to do so, he will have to undergo default sentence of one year simple imprisonment. With this modification in the matter of sentence, the criminal appeal is partly allowed.

Sd/-

Assistant Registrar

// True Copy //



To:

- 1.The Principal Sessions Judge, Tirunelveli
- 2.The Assistant Sessions Judge, Sankarankovil,
Tirunelveli District.
- 3.The Judicial Magistrate, Sankarankovil, Tirunelveli
- 4.Do through The Chief Judicial Magistrate, Tirunelveli
- 5.The Superintendent, Central Prison, Palayamkottai,
Tirunelveli District.
- 6.The Inspector of Police, Thiruvenkatam Police Station,
Tirunelveli District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

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

+1 CC to M/s.K.PRABHU, Advocate (SR-79674[F] dated 05/08/2019)

Crl.A. (MD) No.460 of 2010
05.08.2019

ias

JMN(28.08.2019) 3P : 11C