

**BAIL SLIP**

The Appellant/Sole Accused namely Sakthivelkumar, S/o.Ganesh nadar, was directed to be released on bail as per the order of this Court dated 11/01/2013 in MP(MD)No.1/2013 in CRL A (MD)No.12/2013 on the file of this Court.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**DATED: 07.08.2019****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Crl.A. (MD)No.12 of 2013**

Sakthivelkumar

... Appellant/Sole Accused

Vs.

State Rep. by,
The Inspector of Police,
Sip Cot Police Station,
Thoothukudi District.
(Crime No.104/2011)

... Respondent/Complainant

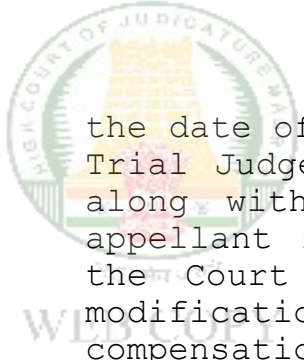
Prayer: Criminal Appeals filed under Section 374 of Cr.P.C, to call for the records in S.C.No.218 of 2012 on 03.01.2013, on the file of the learned First Additional District and Sessions Judge, Thoothukudi and set aside the same

For Appellant : Mr.N.Anandakumar
For Respondent : Mrs.S.Bharathi
Government Advocate (Crl. Side)

J U D G M E N T

The appellant was convicted for the offence under Section 324 of I.P.C. and sentenced to undergo one year rigorous imprisonment and levied with fine of Rs.1,000/- vide judgment dated 03.01.2013 in S.C.No.218 of 2012, on the file of the learned I Additional District and Sessions Judge, Thoothukudi.

2.When the matter is taken up for hearing, the learned counsel appearing for the appellant submitted that having regard to the evidence on record, he will not be in a position to challenge the finding of guilt. He is pleading only for leniency in the matter of sentence. He is ready to pay a sum of Rs.2,000/- as compensation to P.W.1/Usha Kumari. He undertakes to execute an affidavit of apology to the victim expressing his sense of shame, regret and remorse for having caused injury to her. Taking note of all these mitigating aspects, even while sustaining the conviction imposed on the appellant, the sentence of imprisonment is modified and reduced to the period already undergone by him. The appellant is directed to deposit a sum of Rs.2,000/- to the credit of S.C.No.218 of 2012, on the file of the learned I Additional District and Sessions Judge, Thoothukudi, within a period of four weeks from



the date of receipt of a copy of this judgment. On such deposit, the Trial Judge shall hand over the same to the victim as compensation along with a copy of the said affidavit of apology. If the appellant fails to do so, the sentence of imprisonment imposed by the Court below will stand automatically restored. With this modification in the matter sentence and direction to pay a compensation, this criminal appeal is partly allowed. The bail bond, if any, executed by them shall stand cancelled.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The I Additional District and Sessions Court,
Thoothukudi.
2. The Judicial Magistrate No.1, Tuticorin
3. The Judicial Magistrate No.1, Tuticorin.
Through: The Chief Judicial Magistrate, Tuticorin District
4. The Inspector of Police,
Sip Cot Police Station,
Thoothukudi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to MR.V.MALAIYENDRAN, Advocate (SR-80288[F] dated
07/08/2019)

Cr1.A. (MD) No.12 of 2013
07.08.2019

ias

MK (06.09.2019) 2P 7C