



Bail Slip

Chandru @ Ramachandran, S/o.Karunanidhi, aged about 51 years is released on bail vide Court order dated 30.08.2013 made in MP(MD)No.2 of 2013 in Cr1.A(MD)No.264 of 2013.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.A(MD)No.264 of 2013

Chandru @ Ramachandran

... Appellant/Accused

Vs

The State represented by
Inspector of Police,
Thiruverumbur Police Station.
Trichy.
(Crime No.476/2012)

... Respondent/Complainant

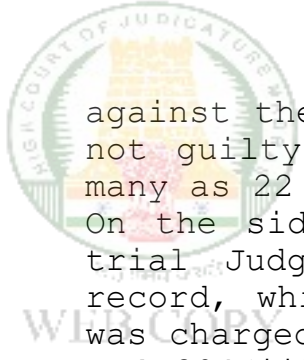
PRAYER: Criminal Appeal is filed under Section 374(ii) of Cr.P.C., to set aside the Judgment of conviction and sentence of the appellant dated 15.02.2013, made in S.C.No.218 of 2012 on the file of the learned Principal Sessions Judge, Tiruchirapalli and allow this appeal.

For Appellant	: Mr.B.Jameel Arasu
For Respondent	: Mrs.S.Bharathi
	Government Advocate (Cr1.side)

JUDGMENT

The appellant was convicted for the offences under Sections 294(b) and 304(ii) of IPC and sentenced to three months and ten years rigorous imprisonment respectively in S.C.No.218 of 2012 on the file of the Sessions Judge, Tiruchirapalli Division, Tiruchirapalli.

2.The prosecution case is that on 18.08.2012, at about 06.00 p.m., owing to a petty dispute, the appellant stabbed the deceased Veeramani. Veeramani was rushed to the hospital, but he died enroute. The statement of P.W.1/mother of the deceased was recorded and based on the same, Ex.P21-FIR in Crime No.476 of 2012 was registered on the file of the Thiruverumbur Police Station for the offences under Sections 302 of IPC. Investigation was taken up and after completion of the usual formalities and recording the statement of the witnesses, final report came to be filed against the appellant for the offences under Sections 294(b) and 302 of IPC before the Judicial Magistrate No.6, Thiruchirapalli. The case was committed to the Sessions Court in P.R.C.No.32 of 2012. It was taken up for trial in S.C.No.28 of 2013. Charges were framed



against the accused for the aforesaid offence. The accused pleaded not guilty and claimed to be tried. The prosecution examined as many as 22 witnesses and marked Ex.P1 to Ex.P27 and M.O.1 to M.O.10. On the side of the accused, no evidence was marked. The learned trial Judge, after a detailed consideration of the evidence on record, while acquitting the accused for the offence with which he was charged, found him guilty for the offences under Sections 294(b) and 304(ii) of IPC. Challenging the same, this appeal came to be filed.

3.The deceased was the son of P.W.1-Valarmathi. P.W.3 is the sister of Valarmathi. P.W.6-Saravanan is the call taxi driver who got married to the sister of the accused. All of them were residing in the First Street, Pari Nagar, Kattur North. The relationship between the accused and P.W.6 was not cordial. This was because, P.W.6 fell in love with the sister of the accused. But thereafter, they separated. That is why, the relationship between the accused and P.W.6 came under strain. While so, on the occurrence date, P.W.6 was carrying the child of P.W.3. At that time, Veeramani son of P.W.1-Valarmathi came to P.W.6-Saravanan and was taking the child back from him. At that time, the accused confronted Veeramani and asked him as to why he was still maintaining relationship with P.W.6. When he knew the nature of relationship between the accused and P.W.6. Veeramani is said to have replied that the accused should mind his own business. Enraged by the causal and indifferent reply of Veeramani, the accused is said to have gone into his house to pick up M.O.10-knife and inflicted a stab on the chest of Veeramani. The testimony of P.W.1 could not be shaken in the cross examination. P.W.1 is none other than the mother of the deceased Veeramani. The testimony of P.W.1 is corroborated by P.W.2, P.W.3, P.W.4 and P.W.6. P.W.22-Investigating Officer arrested the accused on 20.08.2012. The accused/appellant herein gave confession and the admissible portion of the confession was marked as Ex.P9. Pursuant to the same, M.O.1-Knife which was used for committing the crime was also recovered. The trial Court rightly came to the conclusion that the prosecution established its case beyond reasonable doubt.

4.Having regard to the evidence on record, the learned counsel appearing for the appellant submitted that he would not challenge the finding of guilt and that, he would only plead for modification in the matter of sentence. This Court made it clear that in view of the unjustified conduct of the appellant, this Court would not be prepared to reduce the sentence below five years.

5.The learned counsel appearing for the appellant, on instructions, submitted that he would be satisfied, if the sentence of imprisonment is reduced from ten years rigorous imprisonment to five years rigorous imprisonment. The appellant's counsel submitted that the appellant has a family to support and that, he is not ~~has no previous criminal record~~ had antecedents and that the offence in question was committed under the heat of the moment and it was not a premeditated act.



6. Taking note of the mitigating circumstances, even while sustaining the conviction, the sentence of imprisonment is reduced from ten years rigorous imprisonment to five years rigorous imprisonment. The period of incarceration already undergone by the appellant will be set off in terms of Section 428 of Cr.P.C.

7. 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 Principal Sessions Judge, Tiruchirapalli.
2. The Judicial Magistrate No.VI,
Trichy
3. Do through The Chief Judicial Magistrate,
Trichy
4. The Inspector of Police,
Thiruverumbur Police Station.
Trichy.
5. The Superintendent,
Central Prison, Trichy
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+1 CC to MR.B.JAMEEL ARASU, Advocate (SR-83613[F] dated
27/08/2019)

Cr1.A(MD)No.264 of 2013
26.08.2019

RMI

MK (30.09.2019) 3P 8C