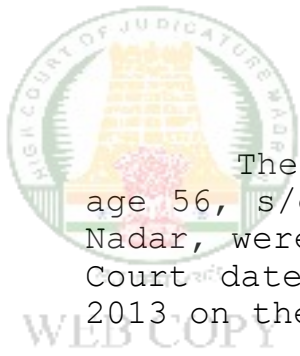




Bail Slip

The Appellant/ Accused 1 & 2 namely 1.Udhayan @ Ayyaselvam, age 56, s/o Kasi Nadar, 2. Mohan @ Mathana Selvam, aged 53 s/o Kasi Nadar, were directed to be released on bail as per the order of this Court dated 07.01.2013 in MP(MD)No.1 of 2013 in CRL.A(MD)NO.3 OF 2013 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD)No.03 of 2013

1.Udhayan @ Ayyaselvam
2.Mohan @ Mathana Selvam

... Appellants/
Accused No.1 & 2

Vs

State of Tamil Nadu through its
The Inspector of Police,
Tiruchendur Police Station,
Tuticorin District.
(Cr.No.425/11)

... Respondent

PRAYER: Criminal Appeal is filed under Section 374 of Cr.P.C., to call for the records relating to the Judgment passed in S.C.No.214 of 2012, dated 18.12.2012 on the file of the I Additional District and Sessions Judge, Tuticorin, set aside the same.

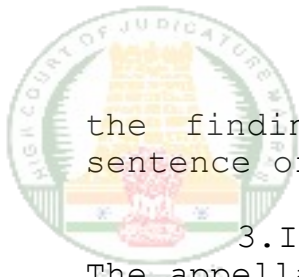
For Appellants	: Mr.C.T.Perumal
For Respondent	: Mrs.S.Bharathi
	Government Advocate (Crl.side)

JUDGMENT

The appellants were convicted for the offence under Section 3 (1) of Tamilnadu Property (Prevention of Damage and Loss) Act and sentenced to three years rigorous imprisonment and also directed to pay a fine of Rs.1,000/-, vide Judgment dated 18.12.2012 in S.C.No.214 of 2012 on the file of the First Additional District and Sessions Judge, Tuticorin. Questioning the same, this appeal came to be filed.

2.The learned counsel appearing for the appellant submitted that having regard to the evidence on record, he would not challenge

<https://hcservices.ecourts.gov.in/hcservices/>



the finding of guilt and that, he would be satisfied, if the sentence of imprisonment alone is set aside.

3.It is seen that the appellants have crossed the age of 60. The appellants did not have any bad antecedents. They have not come under adverse notice of the Police after this occurrence also. It appears to be a case of local dispute regarding the temple management. It is true that the stone inscription was damaged. But then, it is not an inscription of any ancient vintage. It only contained the names of some recent donors. I am of the view that the acts attributed to the appellants cannot be described as something grave or serious. More than seven years have elapsed. Therefore, for these adequate and other reasons, I am of the view that even while sustaining the conviction imposed on the appellants, the sentence of imprisonment imposed on the appellants can be set aside. The sentence of fine is however confirmed. The fine amount, if any, paid by them shall be refunded forthwith. The bail bond, if any, executed by the appellants shall stand cancelled.

4.This criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

To

1.The I Additional District and Sessions Judge,
Tuticorin.

2. The Inspector of Police,
Tiruchendur Police Station, Tuticorin District.

3.The Principal District and Sessions Judge, Tuticorin.

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

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-80643[F] dated 08/08/2019)

CrI.A(MD)No.03 of 2013
08.08.2019

rmi

MS/10.09.2019/2P.6C