



BAIL SLIP

Pal @ Palraj, Appellant/Sole Accused S/o. Manas, is released on Bail vide court order dated 02.12.2013 made in MP(MD)No.2 of 2013 in Crl.A (MD)No.313 of 2013.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A(MD)No.313 of 2013

Pal @ Pal Raj

... Appellant/Sole Accused

Vs

The State represented by
The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
(Crime No.1117/1996).

... Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 374 of Cr.P.C., to allow this appeal and set aside the Judgment and Order dated 13.02.2013 passed in S.C.No.96 of 2002 on the file of the learned Assistant Sessions Judge, Padmanabhapuram.

For Appellant : Mr.A.Haja Mohideen
Legal Aid Counsel

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

JUDGMENT

The appellant was convicted for the offences under Sections 307 and 326 of IPC (two counts) and sentenced to 10 years rigorous imprisonment and seven years rigorous imprisonment respectively, vide Judgment dated 13.02.2013 in S.C.No.96 of 2002 on the file of the Assistant Sessions Judge, Padmanabhapuram.

2.The prosecution case is that on 17.12.1996, at about 02.00 p.m., the appellant attacked P.W.2 Narayanan with M.O.1 Aruval and caused him grievous injuries by hacking. When P.W.1-Ramasamy intervened to separate the two, the appellant/accused caused grievous injuries on his right wrist. Both Ramasamy as well as Narayanan were rushed to Kulasekaram Police Station immediately after the occurrence. They were sent to Kulasekaram Government Hospital under Medical Memo. The statement of Ramasamy was recorded at about 4.15 p.m., and based on the same, Crime No.1117 of 1996 was



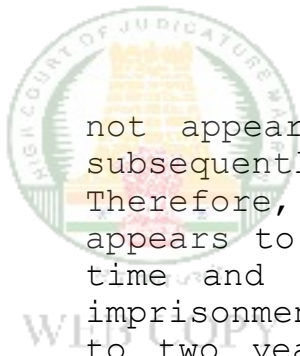
registered under Sections 307 and 326 of IPC. Investigation was taken up and final report came to be filed against the appellant for the offences under Sections 307 and 326 of IPC before the Judicial Magistrate, Padmanabhapuram. The case was committed to the Sessions Court in P.R.C.No.14 of 1999. It was made over to the Assistant Sessions Judge, Padmanabhapuram for trial in S.C.No.96 of 2002. Charges were framed against the appellant for the offences under Sections 307 and 326(2 counts). The appellant denied the charges and claimed to be tried. The prosecution examined as many as 12 witnesses and marked Ex.P1 to Ex.P14 and M.O.1 to M.O.10 were also marked. On the side of the accused, no evidence was adduced. The learned trial Judge, after a detailed consideration of the evidence on record, came to the conclusion that the prosecution had established its case against the appellant beyond reasonable doubt and convicted and sentenced him as mentioned above. Questioning the same, this appeal came to be filed.

3. When the matter was taken up for hearing, there was no representation on behalf of the appellant. This Court, therefore, directed the Registry to appoint a Legal Aid Counsel. Today, when the appeal was taken up for final hearing, the learned Legal Aid Counsel appeared and reiterated the contentions set out in the appeal memorandum.

4. The argument of the learned counsel appearing for the appellant is that there are no independent witnesses to support the case of the prosecution. P.W.3, P.W.4, P.W.5, P.W.7 and P.W.8 have not supported the prosecution case.

5. But then, as rightly pointed out by the learned Government Advocate, this is a case which does not require corroboration. P.W.1 as well as P.W.2 suffered grievous injuries on account of the attack made by the appellant on them. The medical evidence clearly states that the injuries were actually caused to these two witnesses. FIR was lodged immediately. P.W.1 as well as P.W.2 have clearly identified the appellant in the Court as the person who caused them injuries in question. In fact, there is a prior motive between the appellant and P.W.2-Narayanan. The accused has been clearly named in Ex.P1 itself. The accused was examined under Section 313 of Cr.P.C. and all the incriminating circumstances were put to him. The accused has not come with any defence version. He merely characterised the prosecution case as false.

6. I am of the view that the learned trial Judge rightly came to the conclusion that the accused was guilty of the offence under Sections 307 and 326 of IPC (2 counts). I find no ground to interfere. The conviction imposed by the learned trial Judge on the appellant stands confirmed. At this stage, the learned Legal Aid Counsel submitted that the occurrence is said to have taken place in the year 1996. Almost 23 years have elapsed. The appellant does



not appear to have come under the adverse notice of the police subsequently. He is also not having any bad antecedents. Therefore, the sentence of imprisonment for a term of ten years appears to be little harsh. Therefore, taking note of the lapse of time and the other mitigating circumstances, the sentence of imprisonment for a term of 10 years rigorous imprisonment is reduced to two 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. This criminal appeal is partly allowed.

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Assistant Sessions Judge, Padmanabhapuram.
- 2.The Inspector of Police,
Kulasekaram Police Station,
Kanyakumari District.
3. The Judicial Magistrate, Padmanabhapuram.
4. The Chief Judicial Magistrate, Kanyakumari at Nagercoil.
5. The Superintendent, Central Prison, Palayamkottai.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

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