



Bail Slip

Nagoor Meeran, S/o.Sahul Hamed, Petitioner/2nd Accused is released on bail, vide Court order dated 05.12.2013 made in MP(MD). No.1 of 2013 in Crl.A. (MD) .No.347 of 2013.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A. (MD)No.347 of 2013

1.Sahul Hammed

2.Nagoor Meeran

3.Beer Mustaq

4.Kurshit Alam

... Appellants/Accused 1 to 4

Vs.

State represented by
The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
Crime No.140 of 2012

... Respondent/Complainant

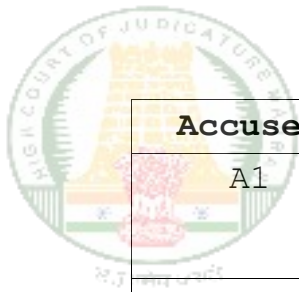
Prayer: Criminal Appeal filed under Section 374 of Cr.P.C, to set aside the judgment dated 02.12.2013 passed in S.C.No.162 of 2013, on the file of the II-Additional Sessions Judge, Thoothukudi and acquit the appellants/accused Nos.1 to 4 of all charges.

For Appellants : Mr.J.Ashok
For M/s.Jeyapaul Associates

For Respondent : Mrs.S.Bharathi
Government Advocate (Crl. Side)

J U D G M E N T

The appellants were convicted and sentenced vide judgment dated 02.12.2013 in S.C.No.162 of 2013, on the file of the learned II Additional Sessions Judge, Thoothukudi, as follows:-



Accused	Penal Provisions	Punishment
A1	324 IPC	To pay of fine of Rs.3,000/-. In default, to undergo 3 months R.I.
A2	324 IPC	To pay of fine of Rs.3,000/-. In default, to undergo 3 months R.I.
	3(1) of TNPPDL Act	To undergo imprisonment for 1 year R.I. With fine of Rs.3,000/-. In default, to undergo 3 months R.I.
A3	324 IPC	To pay of fine of Rs.3,000/-. In default, to undergo 3 months R.I.
A4	323 IPC	To pay of fine of Rs.1,000/-. In default, to undergo 1 month S.I.

Questioning the same, this criminal appeal has been filed.

2. When the matter was taken up for hearing, the learned counsel appearing for the appellants submitted that he would not challenge the finding of guilt and that he would be satisfied if leniency is shown in the matter of punishment. The occurrence took place way back on 03.06.2012. What was damaged was only the two wheeler belonging to P.W.1. The value of the damage appears to be Rs.2,500/-. In this case, apart from causing damage to the two wheeler, the appellant had also attacked P.W.1 and P.W.2 with wooden log and iron pipe. But then, it is seen that the attack was not on any vital part of the body. The appellants are not having any bad antecedents. They have not come under adverse notice of the respondent subsequently. Therefore, taking note of these mitigating circumstances, I am of the view that even while sustaining the conviction imposed on the appellants by the Court below, the sentence of imprisonment can be set aside. Instead, the appellants are directed to deposit a sum of Rs.10,000/- to the credit of S.C.No.162 of 2013, on the file of the learned II Additional Sessions Judge, Thoothudkudi, within a period of eight weeks from the date of receipt of a copy of this judgment. The appellants shall also execute an individual affidavit of apology conveying their regret to P.W.1 as well as P.W.2. The learned Trial Judge shall hand over a sum of Rs.5,000/- to P.W.1 and a sum of Rs.5,000/- to P.W.2 along with the affidavits of apology executed by the appellants herein. If the appellants fail to adhere to the undertaking given before this Court, the sentence of imprisonment imposed by the Court below will stand automatically restored. With this modification in the matter of sentence and with a direction to pay compensation, this criminal appeal is partly allowed. The fine



amount, if any paid by them shall be refunded forthwith. The bail bond, if any, executed by them shall stand cancelled.

Sd/-

Assistant Registrar (AS)

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// True Copy //

Sub Assistant Registrar (CS)

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To:

- 1.The II Additional Sessions Judge,
Thoothukudi
- 2.The Judicial Magistrate, Srivaikundam.
- 3.The Superintendent,
Central Prison, Palayamkottai.
- 4.The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.ASHOK, Advocate (SR-83127[F] dated 22/08/2019)

Crl.A. (MD) No.347 of 2013
21.08.2019

JMN(17.12.2019) 3P : 7C