



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.07.2019
CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Cr1. A.(MD)No.389 of 2013

Mahendran .. Appellant/Petitioner/Accused

Vs.

State rep. by,
The Inspector of Police,
Navalpattu Police Station,
Trichy District.
(Crime No.210 of 2008)

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Appeal is filed under Section 374 of Cr.P.C., to set aside the Judgment dated 18.02.2013 passed by the learned I Additional District Judge(PCR), Trichy, made in Special S.C.No.15 of 2010 and allow this appeal.

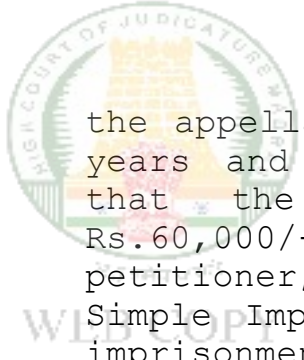
For Appellant : Mr.B.Jameel Arasu
For Respondent : M/s.A.Robinson,
Government Advocate(Cr1. Side).

JUDGMENT

The appellant was found guilty of the offence under Section 376 r/w 511 of I.P.C vide Judgment dated 18.02.2013 in S.S.C.No.15 of 2010 on the file of the learned I Additional District Judge (PCR), Thiruchirappalli. The appellant was sentenced to 10 years Rigorous Imprisonment and he was also directed to pay a sum of Rs.60,000/- as fine. Challenging the same, this Criminal Appeal has been filed.

2. When the matter was taken up for hearing, the learned counsel appearing for the appellant submitted that having regard to the evidence on record, he would not be in a position to challenge the finding of guilt and he would only pray for reducing the sentence of imprisonment imposed on the appellant to the period already undergone. He pointed out that the appellant had been imprisoned for seven years and seven months.

3. Taking note of the long period of incarceration, this Court reduces the substantive sentence of imprisonment from ten years Rigorous Imprisonment to seven years and seven months that is the period is said to have been undergone by him. If the appellant had not spent seven years and seven months as claimed by



the appellant's counsel, he will have to definitely undergo seven years and seven months. The appellant's counsel also submitted that the appellant had not paid the fine amount of Rs.60,000/-. If the fine amount has not been paid by the petitioner, he will have to undergo default sentence of six months Simple Imprisonment which will be over and above the period of imprisonment already imposed on the appellant.

4. With this modification in the matter of sentence of imprisonment, this Criminal Appeal stands partly allowed. This Court holds that the victim girl is entitled to compensation as per the norms from the Victim Compensation Fund. Notwithstanding the deposit or non-deposit of the fine amount by the appellant, the compensation shall be independently paid to the victim. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The I Additional District Judge(PCR), Trichy.
2. The Inspector of Police,
Navalpattu Police Station, Trichy District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- 4.The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)

+1 CC to Mr.B.JAMEEL ARASU, Advocate (SR-74808[F] dated 11/07/2019)

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