



BAIL SLIP

Sakthivel, S/O.Chandrasekar, male, aged about Not Known (Accsed No.2) is released on bail vide Court order dated 13.12.2013 made in MP(MD) No.1 of 2013 in CRL A(MD) No.48 of 2013.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A.(MD)No.48 of 2013

Sakthivel

... Appellant/Accused No.2

Vs.

State Represented by,
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

... Respondent/Complainant

Prayer: Criminal Appeal is filed under Section 374 of Cr.P.C, to set aside the judgment and conviction made in S.C.No.48 of 2012, on the file of the Principal Assistant Sessions Court, Karur, dated 07.02.2013.

For Appellant : Mr.S.Gokul Raj

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

J U D G M E N T

The appellant was convicted for the offence under Sections 307 r/w 34 and 324. The appellant was sentenced to seven years rigorous imprisonment and one year simple imprisonment respectively and also levied with fine, vide judgment dated 07.02.2013, on the file of the learned Principal Assistant Sessions Judge, Karur. Challenging the same, this criminal appeal has been filed.

2.In fact, A1/Sutahan @ Sivasuthan also filed Crl.A.(MD)No.68 of 2013. A1 had passed away and the appeal filed by him has abated. The learned counsel appearing for the appellant submitted that he would not challenge the finding of guilt and he would be satisfied if leniency is shown in the matter of punishment. It is seen that it was the first accused, who inflicted the stab



injury. As far the appellant is concerned, he only caught hold of the victim. The appellant had not caused any injury. The appellant did not have any previous bad antecedents. He also did not come any adverse notice subsequently. The case on hand appears to be a solitary occurrence. Therefore, taking note of these mitigating factors, even while sustaining the conviction imposed on the appellant, the sentence of imprisonment is modified and reduced to the period already undergone by him. It is made clear that the appeal filed the third accused before the Sessions Court will be heard and dealt with independently and on its own merits. With this observation, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (CS-II)

/TRUE COPY/

Sub Assistant Registrar

To:

- 1.THE JUDICIAL MAGISTRATE NO.I, KARUR.
- 2.THE CHIEF JUDICIAL MAGISTRATE, KARUR.
- 3.THE PRINCIPAL ASSISTANT SESSIONS COURT,
KARUR.
- 4.THE PRINCIPAL SESSIONS JUDGE, KARUR.
- 5.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 6.THE INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.
- 7.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-79558[F] dated 02/08/2019)

Crl.A. (MD)No.48 of 2013

02.08.2019

(1/2)

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JM/30.08.2019/2P/9C