

**Bail Slip**

1. Perumal, S/o.Kalimuthu, male age about 40 years (Accused No.1), and 2. Madathi, W/o.Muthusami, Female age about 65 years (Accused No.2) and 3. Thangamari, W/o.Perumal, Female age about 35 years (Accused No.3), were released on bail vide Court order dated 14/03/2013 made in MP(MD)No.1 of 2013 in CRL RC (MD)No.247 of 2013.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C (MD) .No.247 of 2013

1.Perumal

2.Madathi

3.Thangamari

... Petitioners/Appellants /Accused No.1 to 3

Vs

State Through

The Inspector of Police,

Mamsapuram Police Station,

Virudhunagar District.

In Crime No.143 of 2009.

... Respondent/Respondent / Complainant

PRAYER: Petition filed under Section 397 (1) r/w 401 Code of Criminal Procedure, to call for the records pertaining to the judgment in C.C.No.145 of 2009, on the file of the learned Judicial Magistrate, No.II, Srivilliputhoor, Virudhunagar District by convicting the petitioner by an order dated 25.11.2010 and the same was confirmed by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhoor in C.A.No.136 of 2010, dated 12.02.2013.

For Petitioners : Mr.Jagadeesh Pandian
for M/s.K.R.Associates

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

ORDER

The revision petitioners were convicted and sentenced by the learned Judicial Magistrate No.II, Srivilliputhoor in C.C.No.145 of 2009, vide judgment dated 25.11.2010. The particulars read as under:-

<https://hcservices.ecourts.gov.in/hcservices/> "The petitioner No.1 convicted and sentenced, offences under Section 448 of IPC and imposed a fine of Rs.1,000/- in default to undergo one month simple



imprisonment, for the offence under Section 326 of IPC to undergo one year rigorous imprisonment and imposed a fine of Rs.1,000/- in default to undergo one month simple imprisonment.

WEB COPY

The petitioners No.2 and 3 convicted and sentenced offences under Section 448 of IPC and imposed a fine of Rs.1,000/- in default to undergo one month simple imprisonment, under Section 342 of IPC and imposed a fine of Rs.500/- in default to undergo two weeks simple imprisonment.

The petitioners 1 to 3 were acquitted for the offence under Section 506(ii) of IPC."

2. Aggrieved by the same, Criminal Appeal No.136 of 2010 was filed before the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhoor. The Appellate Court dismissed the appeal and confirmed the Judgment of the Trial Court. Challenging the same, this revision petition has been filed.

3. When the matter was taken up for hearing, the learned counsel for the revision petitioners submitted that the victim is no more and that the revision petitioners are ready to pay compensation of Rs.25,000/- to the victim's wife-P.W.2. Since a decade has elapsed, I am of the view that no purpose will be served in sending the first petitioner to undergo the remaining part of the sentence. The petitioners 2 and 3 were only levied with fine, no sentence and imprisonment was imposed on them. Therefore, the impugned judgment insofar as the petitioners 2 and 3 is confirmed as such. As regards the first petitioner, it is seen that he was in prison for about 50 days. Therefore, even while sustaining the conviction imposed on him by the Courts below, the sentence of imprisonment is modified and reduced to the period already undergone. The first petitioner is directed to deposit a sum of Rs.25,000/- as compensation to the credit of C.C.No.145 of 2009, on the file of the learned Judicial Magistrate No.II, Srivilliputhoor. The amount shall be deposited by the first petitioner within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the same shall be handed over to the victim's wife-P.W.2, Masthan Beevi. The first petitioner shall also execute a notarized affidavit expressing his sense of regret and remorse for his conduct. The learned Trial Magistrate while handing over the compensation amount to P.W.2 shall also serve a copy of the affidavit of apology submitted by the first petitioner herein. In the said affidavit, the first petitioner shall give an undertaking that he shall conduct himself as a law abiding citizen in future. If the first petitioner fails to abide by the undertaking given before this Court, the sentence of the impugned Judgment of the Appellate Court will stand automatically restored.



4. With this modification in the matter of sentence, this Criminal Revision Petition is partly allowed.

Sd/-

Assistant Registrar

WEB COPY

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Sessions Judge,
Virudhunagar District at Srivilliputhoor.
2. The Judicial Magistrate, No.II, Srivilliputhoor,
Virudhunagar District.
3. The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur
4. The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Section Officer, (2 copies)
The Criminal Section (records),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.M.KARUNANIDHI, Advocate (SR-76750[F] dated 22/07/2019)

Cr1.R.C(MD).No.247 of 2013
22.07.2019

sjj

MK (09.09.2019) 3P 9C