



Bail Slip

The Petitioner namely Palanisamy, was released on bail as per the order of this Court dt.19.12.2013 made in MP (MD).No.1/2013 in Crl.RC(MD).No.870/2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL RC(MD)No.870 of 2013

Palanisamy

... Petitioner/Revision Petitioner

Vs.

State, rep.by

The Sub Inspector of Police,

Viralimalai Police Station.

(Crime No.160 of 2005)

... Respondent/Respondent

Prayer : This Criminal Revision Case is filed under Section 397 r/w.401 of Criminal Procedure Code, to call for the records relating to the judgment passed in C.C No.183 of 2005 dated 13.12.2012 on the file of the learned District Munsif cum Judicial Magistrate, Keeranur confirmed in Criminal Appeal No.22 of 2013 dated 25.10.2013 on the file of the learned Additional District and Sessions Judge (EC Court), Pudukottai and set aside the same and thereby acquit the accused.

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondent : Mrs.S.Bharathi,
Government Advocate (crl.side)

ORDER

The revision petitioner was found guilty of the offence under Section 304 (A) IPC and sentenced to one year simple imprisonment vide judgment dated 13.12.2010 in C.C No.183 of 2005 on the file of the Judicial Magistrate, Keeranur. The same was confirmed by the appellate court vide judgment dated 25.10.2013 in Criminal Appeal No.22 of 2011. Aggrieved by the same, this criminal revision case has been filed.

2. When the matter was taken up for hearing, the learned counsel appearing for the revision petitioner submitted that having regard to the evidence on record, he would not challenge the finding of



guilt and that he would be satisfied if some leniency is shown in the matter of punishment.

3.P.W1 appeared before me in person and she submitted that she had been compensated by the revision petitioner and that she does not want the revision petitioner to go to jail. But then, I cannot forget the fact that a two year old child had died. The learned counsel for the petitioner submitted that the defacto complainant had consumed liquor and left the child unattended behind the lorry during the occurrence in question. But then, there is no evidence in support of such defence. Therefore, even while sustaining the conviction imposed by the court below, the sentence of imprisonment imposed on the appellant is reduced from one year simple imprisonment to one month simple imprisonment.

4.With this modification in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Sub Inspector of Police,
Viralimalai Police Station.

2.The District Munsif cum Judicial Magistrate, Keeranur

3.The Additional District and Sessions
Judge (EC Court), Pudukottai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.GANAPATHI SUBRAMANIAN, Advocate (SR-78101[F] dated 26/07/2019)

CRL RC (MD) No.870 of 2013
26.07.2019

Skm

JMN(09.08.2019) 2P : 6C