

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 20.06.2019****CORAM****THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN****Cr1.A. (MD) No.265 of 2019**

WEB COPY

V. Murugan

... Appellant

Vs.

1. The Deputy Superintendent of Police,
Sankarankovil I/C,
Alangulam,
Tirunelveli District.

2. Murugesan

3. Karuppasamy @ Chelladurai

4. Pannaiyar @ Maruthaiah

5. Muthuvel

... Respondents

Prayer: Criminal Appeal is filed under Section 397 R/W 401 of Cr.P.C, to call for the records in S.C.No.98 of 2006 on the file of the II Additional Sessions Judge, Tirunelveli, dated 29.01.2010 and set aside the same and allow the revision against the acquittal.

For Appellant

: Mr.T.Lajapathi Roy

For Respondents

: Mr.A.Robinson

Govt. Advocate (Cr1. Side) for R1

: Mr.V.Kathirvelu, Senior Counsel

For Mr.K.Prabu for R2 to R4

JUDGMENT

The appellant herein suffered injuries in an incident that had taken place on 16.06.2006 at about 07.30 p.m. Crime No.66 of 2006 was registered on the file of the Uthumalai Police Station. Investigation was undertaken and final report was filed in P.R.C.No.41 of 2006, on the file of the learned Judicial Magistrate, Tirunelveli. The case was committed to Sessions Court in S.C.No.98 of 2006 and made over to the learned II Additional Sessions Court, Tirunelveli. Totally four persons were shown as accused. Charges were framed under Section 307 of I.P.C. and under Sections 3(1)(x) and 3(1)(v) of the SC/ST (POA) Act. The Trial Magistrate by judgment dated 29.01.2010 found the accused not guilty and acquitted them. Questioning the same, the defacto complainant filed Cr1.R.C. (MD) No.243 of 2010. Since the judgment was pronounced after the amendment, this Court directed the Registry to convert the criminal revision case into one of criminal appeal and that is how this criminal appeal is posted before this Court.



2. When the matter was taken up for hearing, this Court suggested to the learned senior counsel appearing for the accused/respondents 2 to 5 herein to make payment of Rs.50,000/- as compensation. It was made clear that by making such payment, the respondents are not pleading guilty. They continue to maintain their innocence. In other words, they would only be respecting the Court's suggestion in order to give quietus to the issue that has been alive for over 13 years.

3. The learned senior counsel appearing for the respondents 2 to 5 submitted that he would convey the suggestion made by this Court to his clients and prevail upon them to accept it. This Court appreciates the gesture of goodwill shown by the learned senior counsel. The learned counsel appearing for the appellant also agreed that the appellant would accept the payment as he is also interested in maintaining the goodwill and that he would not tom-tom the receipt of the compensation as if it is a victory for him. He would let the bygones be bygones.

4. The learned senior counsel appearing for the respondents 2 to 5 stated that a demand draft drawn in the name of the appellant herein namely., Murugan will be handed over to the learned counsel appearing for the appellant very soon.

5. Recording this undertaking given on either side, this criminal appeal is dismissed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The learned II Additional Sessions Judge,
Tirunelveli.

2. The Deputy Superintendent of Police,
Sankarankovil I/C,
Alangulam,
Tirunelveli District.

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