



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl A(MD)No.303 of 2019

Richard James Peter ... Petitioner/ De-facto Complainant/
PW1

Vs.

1.State, rep.by the Inspector of Police,
Munneerpallam Police Station.
(Crime No.98 of 2008) ... Respondent/ Complainant/
Complainant

2.Dickson

3.Yovan

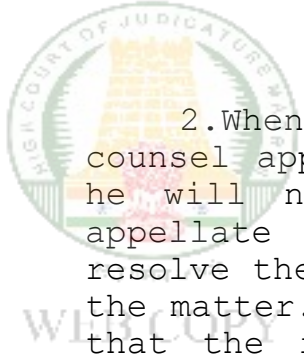
4.Thangaraj ... Respondents/ Accused 1 to 3

Prayer : This Criminal Appeal is filed under Section 374 (2) of Criminal Procedure Code, to set aside the judgment of the court below in Crl.A.No.101 of 2010 on the file of the Additional Sessions Judge, Fast Track Court No.II, Tirunelveli dated 01.11.2010 reversing the conviction and sentence passed in S.C No.518 of 2008 on the file of the Assistant Sessions Judge, Tirunelveli dated 18.06.2010.

For Appellant : Mr.T.A.Ebenezer
For Respondents : Mr.A.Robinson
Government Advocate (crl.side) for R1
Mr.A.Thiruvadikumar for R2 to R4

JUDGMENT

The respondents 2 to 4 herein were prosecuted for the offence under Sections 341 and 307 IPC in S.C No.518 of 2008 on the file of the Assistant Sessions Judge, Tirunelveli. They were convicted vide judgment dated 18.06.2010. Aggrieved by the same, the convicted accused filed Crl.A No.101 of 2010 before the Additional Sessions Judge, Fast Track Court No.II, Tirunelveli. By judgment dated 01.11.2010, the appeal came to be allowed. Challenging the same, the defacto complainant has filed Crl.RC(MD)No.72 of 2011. Since the judgment of acquittal was rendered post amendment to Section 372 of Cr.PC, this Court directed the conversion of the revision case to one of criminal appeal.



2. When the matter was taken up on the last week, the learned counsel appearing for the respondents 2 to 4 fairly submitted that he will not be in a position to sustain the judgment of the appellate court and that he would however endeavour to amicably resolve the issue without having this court to go into the merits of the matter. Since the parties appear to be relatives, I suggested that the respondents 2 to 4 herein should approach the defacto complainant and convey their heart felt and sincere apologies. I also indicated that the respondents 2 to 4 should come forward to compensate the revision petitioner atleast in a token measure. Accordingly, the private respondents approached the defacto complainant and expressed their sincere regrets and conveyed their apologies. The defacto complainant also accepted the same. In fact, the local elders appeared in person before me yesterday and submitted that they would ensure that the respondents 2 to 4 do not misconduct themselves in future. The respondents 2 to 4 undertake to pay a sum of Rs.30,000/- in all as token compensation to the defacto complainant. The learned counsel for the respondents 2 to 4 on instructions states that the said amount will be paid directly to the revision petitioner within a period of four weeks from the date of receipt of a copy of this order. The learned counsel for the defacto complainant magnanimously submitted that he would not press this appeal and that his client is willing to accept the offer made by the respondents 2 to 4.

3. With this direction and recording the amicable resolution of the issue, this criminal appeal stands disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Additional Sessions Judge, Fast Track Court No.II, Tirunelveli.
2. The Assistant Sessions Judge, Tirunelveli.
3. The Inspector of Police, Munneerpallam Police Station.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High court, Madurai.

Copy To: The Section Officer, Criminal Section/ Records

Madurai Bench of Madras High court, Madurai. (2 Copies)

- +1 CC to M/s.A.THIRU VADI KUMAR, Advocate (SR-82628[F] dated 21/08/2019
- +1 CC to M/s.T.A.EBENEZER, Advocate (SR-83042[F] dated 22/08/2019)

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20.08.2019

skm