



Bail Slip

Crl.R.C.(MD)No.131 of 2019

Suresh, S/o.Muthaiyan, aged about 45 years accused was released on bail vide order of this Court, dt.12.03.2019 made in Crl MP(MD) 2221 of 2019 in Crl.R.C.(MD)No.131 of 2019

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C.(MD)No.131 of 2019 and

Crl.M.P.(MD)No.4085 of 2019

Suresh

.. Petitioner/Appellant/Accused

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Pudukkadam Police Station,
Kanyakumari District.

(Crime No.229 of 1997)

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision petition is filed under Sections 397 r/w. 401 of Cr.P.C., to call for records relating to the Judgment passed by the learned Additional District and Sessions Judge(Fast Track Court), Kanyakumari at Nagercoil, dated 07.07.2018 in C.A.No.157 of 2007 confirming the Judgment and modifying the sentence passed by the learned Assistant Sessions Judge, Kuzhithurai in S.C.No.204 of 1999 dated 13.08.2007 and set aside the same and thus allow this Revision petition.

For Petitioner

: Mr.N.Dilip Kumar

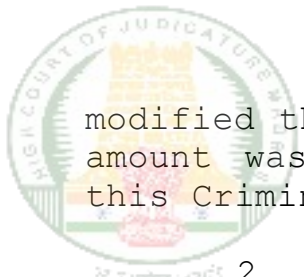
For Respondent

: Mr.A.Robinson,

Government Advocate(Crl.Side).

ORDER

The Revision petitioner was convicted for the offence under Section 326 of I.P.C. and sentenced to undergo 3 years Rigorous Imprisonment and levied with a fine of Rs.500/- vide Judgment dated 13.08.2007 in S.C.No.204 of 1999 on the file of the Assistant Sessions Judge, Kuzhithurai. Aggrieved by the same, the Revision petitioner filed C.A.No.157 of 2007 before the Additional District and Sessions Judge, Nagercoil. Vide Judgment dated 07.07.2018, the appellate Court confirmed the conviction, but then,



modified the punishment to 1 year Rigorous Imprisonment. The fine amount was further enhanced to Rs.5000/-. Challenging 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 or conviction and he would be satisfied, if proper relief is granted to the Revision petitioner, taking note of the fact that he is a practising lawyer.

3. The Revision petitioner had caused grievous injuries on P.W.2. He is also now no more. The Revision petitioner comes forward to deposit a sum of Rs.1 Lakh to the credit of S.C.No.204 of 1999 on the file of the Assistant Sessions Judge, Kuzhithurai, within a period of five months from the date of receipt of a copy of this order. On such deposit, the same shall be handed over as compensation to the wife of the victim, namely, P.W.1 Mary.

4. Since the Revision petitioner is willing to offer token compensation to P.W.1, I am of the view that even while sustaining the conviction on the Revision petitioner, the sentence of imprisonment imposed on him can be set aside and it is accordingly set aside. Since the conviction will disqualify the Revision petitioner from doing his legal practice, taking note of the fact that he does not have bad antecedents and he has not committed any offence after the occurrence, I am of the view that it is a fit case for invoking Section 4 of the Probation of Offenders Act. I am inclined to invoke the aforesaid provision only because of the circumstances which led to the occurrence. It is the case of the prosecution that P.W.2 had uttered certain offending words to the mother of the Revision petitioner. Therefore, the Revision petitioner had committed the crime in question more out of grave and sudden provocation. The motive for the occurrence, the conduct of the Revision petitioner before and after and his offer to pay a sum of Rs.1 Lakh to P.W.2, impel me to invoke the said provision.

5. I am therefore of the opinion that it is expedient to release the Revision petitioner on proof of good conduct. Since the Revision petitioner has a fixed place of abode and he is in legal practice, there is no need and necessity to call for a report from the probation officer. Since the Revision petitioner has been dealt with under Section 4 of the Probation of Offenders Act, even though the Revision petitioner was found guilty of the offence, it shall not be a disqualification attaching to the conviction. In other words, the Bar council will not take any action against the Revision petitioner merely because he has been found guilty in this case. In other words, he can continue his



legal practice.

6. With this direction, the Criminal Revision stands allowed. In the event of failure on the part of the Revision petitioner to deposit the said amount, the order now passed will stand recalled and the impugned Judgment will stand restored. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

To

1. The Additional District and Sessions Judge(Fast Track Court),
Kanyakumari at Nagercoil.
2. The Assistant Sessions Judge,
Kuzhithurai.
3. The Judicial Magistrate, Nagercoil
4. Do Thro
The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil
5. The Inspector of Police,
Pudukkadai Police Station,
Kanyakumari District.
6. The Section Officer,-2 copies
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.N.DILIP KUMAR, Advocate (SR-80428[F] dated 07/08/2019)

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06.08.2019

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