



BAIL SLIP

Palpandy, S/o. Pandey Nadar, M.Ranjith, S/o. Maruthu, petitioners/1st and 2nd Appellants/1st and 2nd Accused were released on Bail vide order of this Court dated 31.01.2014 made in MP(MD) No.1 of 2014 in CRL RC(MD)No.61 of 2014.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 27.09.2019

Pronounced on : 20.12.2019

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.RC(MD)No.61 of 2014

1.Palpandy

2.M.Ranjith .. Petitioners/1st & 2nd Appellants/
1st & 2nd Accused

Vs.

State through
The Inspector of Police,
Cantonment Police Station,
Trichy District.
Crime No.33 of 2012

.. Respondent/Respondent/
Complainant

PRAYER: Criminal Revision filed under Section 397 r/w 401 of the Criminal Procedure Code to call for the records pertaining to the order passed by the learned II Additional District and Sessions Judge, Trichy, in C.A.No.33 of 2013, dated 11.10.2013 and set aside the same.

For Petitioners : Mr.B.Jameel Arasu

For Respondent : Ms.S.Bharathi,
Government Advocate (Crl. Side)

ORDER

This revision case is preferred by the petitioners / accused nos.1 & 2 as against the order of conviction passed against them by the trial and appellate Court.



2. The petitioners along with another accused were tried before the learned Judicial Magistrate No.II, Trichy, in C.C.No.121 of 2012 for the offence under Sections 294(b), 323, 325 & 506(ii) IPC. In conclusion of the trial, the trial Court found them guilty and by order dated 13.08.2013, convicted and sentenced them as follows

Accused No.	Section of Law	Sentence of imprisonment
A1 / first petitioner	294(b), 323, 506 (ii) IPC	To pay a fine of Rs.3000/- (3 counts), i/d to undergo simple imprisonment for 45 days.
	506(ii) IPC	To undergo simple imprisonment for 12 months.
A2 / second petitioner	323 IPC	To pay a fine of Rs.1000/-, i/d to undergo simple imprisonment for 30 days.
	325 IPC	To undergo simple imprisonment for 36 months and to pay a fine of Rs.1000/-, i/d to undergo simple imprisonment for 30 days.
A3	323 IPC	To pay a fine of Rs.1000/-, i/d to undergo simple imprisonment for 15 days.

3. As against the conviction and sentence imposed by the trial Court, the petitioners along with the other accused preferred an appeal before the Sessions Court and the same was taken on file by the learned II Additional District and Sessions Judge, Trichy, in C.A.No.33 of 2013. The lower appellate Court, vide judgment dated 11.10.2013, acquitted the third accused from the charge under Section 323 IPC and modified the conviction as regards the other accused as follows:

Accused No.	Section of Law	Sentence of imprisonment
A1 / first petitioner	323 IPC	To pay a fine of Rs.1000/-, i/d to undergo simple imprisonment for 45 days.
	506(ii) IPC	To undergo simple imprisonment for 12 months and to pay a fine of Rs.1000/-, i/d to undergo simple imprisonment for 45 days.
A2 / second petitioner	325 IPC	To undergo simple imprisonment for 36 months and to pay a fine of Rs.1000/-, i/d to undergo simple imprisonment for 30 days.



4. Aggrieved over the conviction and sentence, the petitioners / accused nos.1 & 2 have preferred the instant criminal revision case.

5. The occurrence was taken place on 15.01.2012, at about 04.30 pm, on the day of Mattupongal (Tamil Festival). The case of the prosecution is that the defacto complainant was running a Carriage Auto and the accused are running Passenger Autos. There was a dispute between the accused and the defacto complainant with regard to the taking of passengers in the Carriage Auto, on account of which, the accused questioned the defacto complainant [PW1] and during the scuffle, they attacked the defacto complainant [PW1] with a key chain. The Defacto complainant [PW1] sustained grievous injury and lost his left eye sight. PW1 is the injured witness and his friends / PWs 2 & 3 are eye witness to the occurrence.

6. When the case was taken up for hearing, the learned Counsel for the petitioners submitted that both the parties have entered into a compromise and they have settled their dispute amicably. The defacto complainant is present before this Court and has also affirmed the said submission. A Joint Compromise Memo, dated 26.09.2019, signed by the petitioners / accused as well as the defacto complainant is filed before this Court.

7. Heard the learned Counsel appearing for the respective parties and perused the documents placed on record.

8. The petitioners and the defacto complainant are friends. During a petty quarrel among themselves, the accused persons said to have attacked on the face of the defacto complainant and caused serious injury on his left eye. The occurrence was taken place unexpectedly and the complainant has also appeared before this Court along with the accused with a compromise memo.

9. The offence under Section 325 IPC may be compoundable by the person to whom hurt is caused with the permission of the Court. The learned Counsel for the petitioners submitted that both the petitioners and the complainant are friends and the incident is purely a personal dispute. The offence is not against the public peace or tranquillity. Therefore, the learned Counsel, in order to secure the ends of justice, prays to accept the compromise memo.

10. Section 320 Cr.P.C. prescribes the offences to be compounded and the offences which are not compoundable. The first petitioner was found guilty for the offence under Sections 323, 324 and 325 IPC and the second petitioner was found guilty for the



offence under Section 325 IPC. Among these offences, the offence under Sections 323 & 506(ii) IPC are compoundable and the offence under Section 325 IPC can be compounded with the permission of the Court.

11. The occurrence was taken place in the year 2012. The accused and the complainant [PW1] are friends and in a scuffle, unexpectedly the occurrence had taken place. The complainant has also appeared before this Court and requested not to convict the petitioners. Therefore, in the interest of justice and in the larger interest of peace, this Court permits the petitioners and the complainant to compound the offences.

12. Accordingly, the offence under Sections 323, 506(ii) & 325 IPC are permitted to be compounded and the impugned judgment passed by the learned II Additional District and Sessions Judge, Trichy, in C.A.No.33 of 2013, dated 11.10.2013 is set aside. The petitioners are acquitted of the charges framed against them. Bail bonds, if any executed, shall stand terminated.

In fine, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar(CRL. SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The II Additional District and Sessions Judge,
Trichy.
- 2.The Judicial Magistrate No.II,
Trichy.
- 3.The Inspector of Police,
Cantonment Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



COPY TO

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-106355[F] dated
20/12/2019)

order made in
Cr1.RC(MD)No.61 of 2014
20.12.2019

DB(CO)
TR(24.07.2020)5P 8C