

**Bail Slip**

The Appellant/Sole Accused namely Palani S/o.Murugan was released on bail by this Hon'ble Court made in MP(MD).No.2/2011 in CRL A(MD) .No.13/2011 dated 11.11.2011.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A.(MD)No.13 of 2011

Palani

... Petitioner/Sole Accused

Vs

State through

The Inspector of Police,
Annanagar Police Station,
Madurai City,
Madurai District.

(in Crime No.1116 of 2005)

... Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 374 of Cr.P.C., to call for the records connected with Judgment dated 06.09.2010 in S.C.No.176 of 2010 on the file of the Hon'ble Additional District and Sessions Judge cum Fast Track Court No.3, Madurai and set aside the same and acquit the appellant/sole accused.

For Petitioners : Mr.R.Alagumani

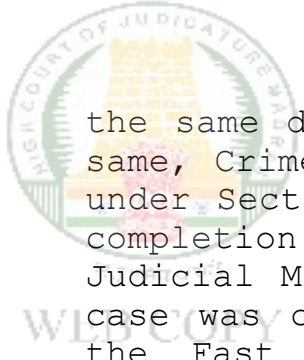
For Respondent : Mr.A.Robinson

Government Advocate (Crl.side)

ORDER

The appellant was found guilty of the charges under Section 392 r/w 397 of IPC and sentenced to undergo seven years rigorous imprisonment and fine of Rs.500/-, vide Judgment dated 06.09.2010 on the file of the Additional District and Sessions Judge, Fast Track Court No.3, Madurai. Challenging the same, this appeal has been filed.

2.The case of the prosecution is that the appellant threatened P.W.1-Latha with knife on 18.05.2005 at about 12.00 noon in Madurai Anna Nagar Golcha Complex and took away three sovereign gold chain owned by her. He was caught red handed by the public. In this regard, Latha-P.W.1 gave Ex.P1-Complaint on



the same day before the Anna Nagar Police Station. Based on the same, Crime No.1116 of 2005 was registered (Ex.P3) for the offence under Section 397 of IPC. Investigation was undertaken and after completion of usual formalities, final report was laid before the Judicial Magistrate No.VI, Madurai vide P.R.C.No.78 of 2006, the case was committed to Sessions Court. Then it was made over to the Fast Track Court, Madurai in S.C.No.176 of 2010. The appellant pleaded not guilty to the charge and claimed to be tried. Five witnesses were examined. Six documents were marked. The Gold Chain-M.O.1 and knife-M.O.2 were also marked. The learned trial Judge, by Judgment dated 06.09.2010, found the accused guilty of the offence with which he was charged and sentenced him accordingly. It is seen that P.W.1 did not suffer any hurt. Therefore, I am of the view that instead of convicting the appellant for the offence under Section 397 of IPC, he can be convicted under Section 392 of IPC alone. The conviction passed by the Court below is accordingly modified. It is seen that the petitioner was in prison for about 14 months. When the bail was granted to him in this criminal appeal, it was also mentioned in the bail order that there are no other bad antecedents against him. He had also stated before the Court below that he is having a girl child.

3.Taking note of the mitigating circumstances, sentence imposed on the petitioner is reduced and modified to the period already undergone.

4.With this modification in the matter of sentence as well as conviction, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Annanagar Police Station,
Madurai City,
Madurai District.

2.The Additional District and Sessions Judge cum
Fast Track Court No.3, Madurai.



3. The Judicial Magistrate No.6,
Madurai.

4. The Principal Sessions Judge, Madurai.

5. The Superintendent,
Central Prison, Madurai.

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

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

+1 CC to M/s.R.ALAGUMANI, Advocate (SR-73803[F] dated
05/07/2019)

Cr1.A.(MD)No.13 of 2011
05.07.2019

rmi

AE/(07.08.2019) 3P 10C