



Bail Slip

Appellant/Accused namely Saroja, aged 35 years W/o.Balan was directed to be released on bail as per order of this Court dated 13.10.2011 and made in MP(MD)NO.3 of 2011 in Crl.A.(MD)No.20 of 2011 on the file of this Court.

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.20 of 2011

Saroja

... Appellant/Sole Accused

Vs

State rep. by the
Inspector of Police,
E-3, Anna Nagar Police Station,
Madurai City.
(Crime No.986/2009)

... Respondent/Complainant

PRAYER: Criminal Appeal is filed under Section 374 of Cr.P.C., to call for the records of the learned Additional Sessions Judge/Fast Track Court No.2, Madurai in S.C.No.259/2009 and set aside the Judgment and Conviction dated 01.12.2010 and acquit the Appellant.

For Petitioners : Mr.S.Mahendrapathy

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 also to pay a fine of Rs.1000/-, vide Judgment dated 01.12.2010 before the learned Additional Sessions Judge, Fast Track Court No.2, Madurai. Questioning the same, this appeal has been filed.

2.The case of the prosecution is that on 04.06.2009 at about 12.15 p.m., the appellant came to the house of the defacto complainant as if she is from EB and wanted to read the EB meter. The appellant is said to have sprayed chilli powder on the eye of the complainant and robbed five sovereign gold chain form the complainant. In this regard, Crime No.986 of 2009 was registered



on the file of the Inspector of Police, E3, Anna Nagar Police Station. Investigation was undertaken and after completion of usual formalities, final report was filed before the Judicial Magistrate No.VI, Madurai. Cognizance was taken in respect of the offence 392 r/w 397 of IPC and committed to the Sessions Court in P.R.C.No.33 of 2009 and it was made over to the Fast Track Court No.2, Madurai in S.C.No.259 of 2009. Charges were framed against the appellant who denied the same. The prosecution examined eight witnesses and marked Ex.P1 to Ex.P11. M.O.1-Chilli Powder packet and M.O.2-Gold Chain were marked. The Court below found the petitioner guilty of the offence with which she was charged and sentenced her accordingly.

3.In this appeal, the petitioner's counsel states that having regard to the circumstances, the petitioner's conviction deserves to be modified to one under Section 392 of IPC. I am of the view that the petitioner has to be convicted only under Section 392 of IPC. Therefore, conviction is accordingly modified. The petitioner was in custody for about two months at the time of investigation. Post Judgment, she was in prison for about ten months and twelve days. Thus the petitioner had served more than a year in prison. More than ten years have lapsed after this occurrence. The petitioner is a lady. The petitioner is having two children. The petitioner is not having any bad antecedent. The petitioner's counsel states firmly that the petitioner did not come under adverse notice earlier or later. He would make a faint suggestion that due to some financial transaction, the case itself came to be registered. Of-course, he did not press this point and stated that he is not questioning the guilt fastened on the appellant in respect of the offence under Section 392 of IPC. Therefore, this Court, while finding the appellant guilty to Section 392 of IPC alone, modifies the sentence and reduces it to the period already undergone.

4.This criminal appeal is partly allowed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Additional Sessions Judge/
Fast Track Court No.2, Madurai.

2.Do Thro'

The Principal Sessions Judge, Madurai

3.The Judicial Magistrate No.6, Madurai

4.Do Thro'

The Chief Judicial Magistrate, Madurai

5.The Superintendent, Central Prison for woman, Trichy

6.The Inspector of Police,
E-3, Anna Nagar Police Station,
Madurai City.

7.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-2copies

Crl.A.(MD)No.20 of 2011
05.07.2019

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