



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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Crl.R.C(MD)No.147 of 2011

Murugan @ Senthil Murugan ... Petitioner / Appellants / Accused

Vs

State,
Rep. by Inspector of Police,
Kulathoor Police Station,
(Crime No.8/2008) ... Respondent / Respondent / Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records and set aside the order dated 20.01.2011 in C.A.No.12 of 2010 in S.C.No.13 of 2009 on the file of the learned Additional Sessions Judge cum FTC-1, Thoothukudi.

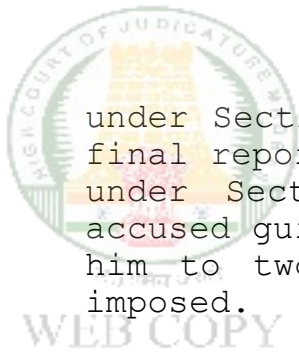
For Petitioner : Mr.P.Andiraj

For Respondent : Mr.A.Robinson
Government Advocate (Crl.side)

ORDER

The petitioner herein was found guilty of the offence under Section 354 of IPC and sentenced to two years rigorous imprisonment and levied with fine of Rs.5,000/-. This Judgment passed by the learned trial Magistrate on 09.03.2010 in S.C.No.13 of 2009 on the file of the Assistant Sessions Judge, Kovilpatti, was confirmed by the Additional Sessions Judge cum Fast Track Court No.1, Tuticorin in Criminal Appeal No.12 of 2010 on 20.01.2011. This is under challenge in this revision case.

2.The victim girl was aged about 9 years and she along with her friend were going to the Village Kanmoi to see the water level on 20.02.2008 at about 05.00 p.m. When they were crossing Vadakku Theru, the accused herein called the victim. The accused and the father of the victim were known to each other. Believing the words of the petitioner, the victim had gone inside the house. The accused locked the door and attempted to misbehave with her. The victim came out crying. The matter was reported to the Kulathoor Police station in the next day. The victim had lodged a complaint-Ex.P1 and the same was registered as Crime No.08 of 2008 for the offence



under Section 376 r/w 511 of IPC. Investigation was undertaken and final report was filed. Though cognizance was taken for the offence under Section 376 r/w 511 IPC, the trial Magistrate found the accused guilty of the offence under Section 354 of IPC and sentenced him to two years rigorous imprisonment and fine amount was also imposed.

3.It is seen that the victim was examined as P.W.1. Her parents were examined as P.W.2 and P.W.3. The friend who had accompanied the victim, was examined as P.W.4.

4.This Court carefully went through the entire evidence on record. In fact, having regard to the evidence on record, the learned counsel appearing for the petitioner did not seriously question the finding of guilt rendered by the Courts below. He instead pleaded for leniency in the matter of punishment. The occurrence had taken place more than 10 years ago. But then, on that ground, the petitioner cannot be allowed to go scot-free. This is the crime against a little girl and therefore, this Court will have to take serious view of the matter. Since the crime stopped with a superficial outrage of modesty and nothing more happened to the victim girl, this Court takes a lenient view and reduces the sentence from two year rigorous imprisonment to six months rigorous imprisonment and in all other aspects, the Judgments of the Courts below are confirmed. The trial Magistrate shall take steps to enforce this order.

5.With this modification, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Assistant Sessions Judge, Kovilpatti.
- 2.The Inspector of Police, Kulathoor Police Station.
- 2.The Additional Sessions Judge cum FTC-1, Thoothukudi.

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