

**Bail Slip**

A.Semban, S/o.Andi, aged about 29 years accused was released on bail vide order dated:25/03/2011 in MP(MD).No.1 of 2011 in CrI.RC (MD).No.250 of 2011.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

CrI.R.C(MD)No.250 of 2011

A.Semban

... Petitioner/Appellant/Accused

Vs

The State  
By the Inspector of Police,  
Nilakottai Police Station,  
Dindigul District.  
Crime No.113 of 2005

... Respondent/Respondent/  
Complainant

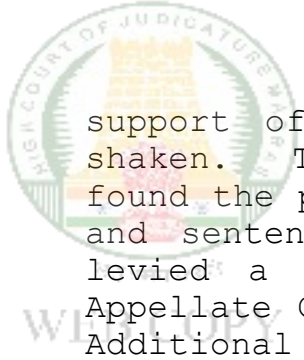
**PRAYER:** Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the Judgment made in C.A.No.1 of 2010 by the Additional District Sessions Judge, Fast Track Court, Dindigul, dated 23.02.2011 confirming the Judgment of conviction made in S.C.No.50 of 2006 by the Assistant Sessions Judge, Dindigul, dated 17.12.2009.

For Petitioner : Mr.D.Venkatesh

For Respondent : Mr.A.Robinson  
Government Advocate (CrI.side)**ORDER**

The petitioner was shown as an accused in S.C.No.50 of 2006 on the file of the Assistant Sessions Judge, Dindigul, for the offence under Section 307 of IPC. The prosecution case against the petitioner is that on 21.03.2005, the petitioner pushed P.W.1-Rathinam into a well and with an intention, attempted to cause her death. In this regard, Crime No.113 of 2005 was registered on the file of the Inspector of Police, Nilakottai Police Station. The petitioner pleaded not guilty to the charge and claimed to be tried.

2.The prosecution examined as may as 16 witnesses and marked Ex.P1 to Ex.P7. The victim P.W.1-Rathinam categorically deposed in



support of the prosecution case and her testimony could not be shaken. The learned trial Judge, by Judgement dated 17.12.2009, found the petitioner guilty of the offence under Section 307 of IPC and sentenced him to three years rigorous imprisonment and also levied a fine of Rs.100/-. This was confirmed by the Lower Appellate Court in Criminal Appeal No.1 of 2010 on the file of the Additional District Sessions Judge/Fast Track Court, Dindigul, vide Judgment dated 23.02.2011. Challenging the same, this criminal revision case has been filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that the petitioner was in prison for about 45 days and that, he is eking out his life as a Mason. If he is sent back to prison at this point of time, he would suffer great hardship. However, the petitioner's counsel submitted that he would not question the finding of guilt and that he would be satisfied, if leniency is shown in the matter of punishment. He would offer to pay a sum of Rs.25,000/- as compensation to the victim.

4. Recording the undertaking given by the petitioner through his counsel, the period of imprisonment imposed on the petitioner is reduced to the period already undergone. The petitioner's counsel would further state, on instructions, that the petitioner has not come under adverse notice later. The sentence of fine imposed on the petitioner is set aside. The petitioner, however, undertakes that he will not apply for refund of the fine amount already remitted by him. The petitioner shall deposit a sum of Rs.25,000/- as compensation to the credit of S.C.No.50 of 2006 on the file of the Assistant Sessions Judge, Dindigul, within a period of four weeks from the date of receipt of a copy of this order. The learned trial Magistrate / Legal Service Authority shall take steps to have the compensation amount handed over to the victim P.W.1-Rathinam as expeditiously as possible. If the petitioner fails to remit the compensation amount within the period indicated above, he will have to undergo the default sentence of one year simple imprisonment.

5. The conviction imposed on the petitioner is confirmed. The sentence alone is modified as indicated above. With this modification, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS )



To

1.The Additional District and Sessions Judge,  
Fast Track Court, Dindigul.

2.The Assistant Sessions Judge, Dindigul.

3.The Judicial Magistrate, Nilakottai.

4.The Chief Judicial Magistrate,  
Dindigul.

5.The Inspector of Police,  
Nilakottai Police Station,  
Dindigul District.

6.The Section Officer,  
Criminal Record Section,  
Madurai Bench of Madras High Court,  
Madurai.

**Cr1.R.C(MD)No.250 of 2011**

CS: 16/07/2019 3P 8C

26.06.2019

CS/ /SAR/16.07.2019/ P/ C