

**BAIL SLIP**

The Criminal Revision Petition /Sole Accused in CrI. R.C.(MD) No.306 of 2011 was directed to be released on bail vide order dated 12.04.2011 in MP(MD)No.1/2011 in CrI. R.C.(MD)No.306 of 2011.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCrI. R.C.(MD)No.306 of 2011

Ramar

.. Petitioner/Appellant/
Sole Accused

Vs.

The State rep. by,
The Sub Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.454 of 2007)

.. Respondent/Respondent/
Complainant

Prayer : This Criminal Revision is filed under Section 397 r/w 401 of Cr.P.C., to set aside the conviction and sentence imposed by the Principal Sessions Court, Virudhunagar District at Srivilliputhur in C.A.No.212 of 2008 dated 08.04.2011 confirming the conviction and sentence imposed by the learned Judicial Magistrate No.II, Srivilliputhur in C.C.No.396 of 2007 dated 20.11.2008 and allow the Criminal Revision petition.

For Petitioners : Mr.G.Marimuthu

For Respondent : Mr.A.Robinson,
Government Advocate(CrI. Side).

ORDER

The petitioner was found guilty of the offence under Section 335 of I.P.C. and sentenced to 1 year Rigorous Imprisonment in C.C.No.396 of 2007 by learned Judicial Magistrate No.2, Srivilliputhur vide Judgment dated 20.11.2008. It was reduced to 6 months Rigorous Imprisonment by the first appellate Court in C.A.No.212 of 2018 on the file of the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur. Questioning the same, this Criminal Revision petition has been filed.



2. Heard the learned counsel on either side.

3. The learned counsel appearing for the Revision petitioner submitted that he would not question the finding of guilt. He would only seek leniency in the matter of punishment. The petitioner's counsel states that the petitioner has since got married and he is now the father of three children. The petitioner is working only as worker in a shop and earning a small sum as monthly salary. The occurrence had taken place in June 2007 and full 12 years have gone by. Both the accused as well as the complainant's family are residing the same village and there has not been any untoward incident.

4. The learned counsel appearing for the petitioner submitted that the petitioner had realized his mistake and he will deposit a sum of Rs.20,000/- to the credit of C.C.No.396 of 2007 on the file of the learned Judicial Magistrate No.2, Srivilliputhur. The said amount will be paid to the complainant. The petitioner shall also file an affidavit of Abject and unconditional apology to the defacto complainant for the crime which the petitioner committed. The affidavit should sufficiently indicate the petitioner's remorse. The learned trial Magistrate shall receive the affidavit at the time of depositing the compensation amount. The complainant shall also be provided the copy of the affidavit also given by the petitioner. Though this Court finds it difficult to reduce the sentence, taking note of the aspects set out in the affidavit and hoping that the affidavit of apology will satisfy the defacto complainant, this Court reduces the sentence of imprisonment to the period already undergone. The petitioner shall deposit the compensation amount and affidavit of apology within a period of eight weeks from the date of receipt of a copy of this order. If the petitioner fails to do so, the sentence of imprisonment imposed on the petitioner by the first appellate Court will stand automatically restored.

5. With this modification, the Criminal Revision stands partly allowed. No costs.

Sd/-

Assistant Registrar (AD-II)

/ True Copy /

Sub Assistant Registrar (CS-)

pmu

To

<https://hcservices.ecourts.gov.in/hcservices/>

1. The Principal Sessions Judge,
Virudhunagar District at Srivilliputhur.



2. The Judicial Magistrate No.II,
Srivilliputhur.

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

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-70723[F]dated 24/06/2019)

Crl. R.C.(MD)No.306 of 2011
21.06.2019

ES/19.07.2019/3P/7C