



## Bail Slip

Vijayan, S/o.Chinnan, Petitioner/Accused No.1 is released on Bail vide Court order dated 20.06.2011 made in MP(MD)No.1 of 2011 in Cr1.RC(MD)No.307 of 2011.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1. R.C. (MD)No.307 of 2011

Vijayan

.. Petitioner/Appellant/  
Accused No.1

Vs.

The State rep. by,  
The Sub Inspector of Police,  
Arumanai, Now Kadayalumodu,  
Kanyakumari District.

.. Respondent/Respondent/  
Complainant

**Prayer :** This Criminal Revision is filed under Sections 397 and 401 of Cr.P.C., to call for the records relating to the Judgment passed by the Sessions Court, Kanyakumari Division at Nagercoil in Criminal Appeal No.36 of 2003 dated 11.03.2011 modifying the Judgment passed by the learned Judicial Magistrate No.1, Kuzhithurai, in C.C.No.214 of 1995, dated 28.01.2003 and set aside the same.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : Ms.S.Bharathi,  
Government Advocate(Cr1. Side).

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**ORDER**

The petitioner was found guilty of the offence under Sections 148, 324 and 341 of I.P.C in C.C.No.214 of 1995 on the file of the learned Judicial Magistrate No.1, Kuzhithurai. He was sentenced to imprisonment for each charge and also levied with fine. Questioning the same, he filed C.A.No.36 of 2003 before the learned Sessions Judge, Kanyakumari Division at Nagercoil. The appeal was dismissed by the first appellate Court. Challenging the same, this Criminal Revision has been filed.

2. When the matter was taken up for hearing, the Revision petitioner's counsel submitted that he would not question the finding of guilt. Since the occurrence had taken place way back



in the year 1994, he wants this Court to confirm the fine alone and set aside the punishment of imprisonment.

3. Taking note of the efflux of time, this Court is of the view that interest of justice will be better served by confirming the conviction and levying of the fine alone. The sentence of imprisonment imposed on the petitioner in respect of all the three charges will stand set aside.

4. The Judgments of the Courts below are modified. The Criminal Revision stands partly allowed, accordingly. No costs.

Sd/-

Assistant Registrar (A.E)

// True Copy //

Sub Assistant Registrar(CS )

To

1. The Sessions Judge,  
Kanyakumari Division at Nagercoil.
2. The Judicial Magistrate No.1, Kuzhithurai.
- 3.The Sub Inspector of Police,  
Arumanai, Now Kadayalumodu,  
Kanyakumari District.
- 4.The Superintendent, Central Prison,  
Palayamkottai, Tirunelveli District.
- 5.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.

+1 CC to Mr.K.P.NARAYANA KUMAR, Advocate SR-71072.

**Crl. R.C. (MD) No.307 of 2011**  
**21.06.2019**

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