



BAIL SLIP

Vijayakumar alias Kumar aged about 36 years has released on bail on 10.08.2011 MP(MD)2/2011 in CRL RC(MD).312 of 2011.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)No.312 of 2011

1.Vijayakumar @ Kumar
2.Rengasamy
3.Maruthambal

... Petitioners

Vs

State rep. by
The Inspector of Police,
All Women Police Station, Musiri,
Trichy District.
Crime No.23 of 2004.

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed in C.A.No.41 of 2010, dated 17.02.2011 on the file of the Additional District cum Sessions Court (Fast Track Court No.2), Tiruchy modifying the Judgment and Sentence passed in C.C.No.10/2006, dated 13.04.2010 on the file of the Judicial Magistrate, Musiri, confirm the conviction of the first petitioner under Section 417 of IPC and sentenced to undergo one year rigorous imprisonment and ordered to pay compensation of Rs.1,00,000/- to the P.W.1 the defacto complainant and the conviction under Section 4 of the Dowry Prohibition Act against the petitioners 2 and 3 modifying the sentence of one year each and a fine of Rs.1,000/- in default to undergo two months rigorous imprisonment into to deposit a sum of Rs.25,000 each in the name of Yuvaraj the kid of P.W.1 the defacto complainant herein in de-fault to undergo the sentence imposed by the trial Court.

For Petitioners : Mr.V.Illanchezian

For Respondent : Mrs.S.Bharathi
Government Advocate (Crl.side)

ORDER

The first petitioner is the son of second and third petitioners. The first petitioner was charged with the offence under Section 417 of IPC. While the second and third petitioner were charged with the offence under Section 4 of Dowry Prohibition Act. The learned trial Magistrate, Musiri, by Judgment dated



13.04.2010, found the petitioners guilty of the offence with which they were charged and sentenced them. Challenging the same, the petitioners filed Criminal Appeal No.41 of 2010 before the Additional District cum Sessions Judge/Fast Track Court No.2, Thiruchirapalli and by Judgment dated 17.02.2011, while the conviction and sentence imposed on the first petitioner was confirmed, the sentence of imprisonment imposed on the second and third petitioners was set aside. Instead, they were directed to pay a sum of Rs.25,000/- as compensation to the son of the victim. Challenging the same, this criminal revision case has been filed.

2.The second and third petitioners filed M.P.(MD)No.1 of 2011 and obtained stay of the order directing them to pay compensation.

3.When the matter was taken up for hearing, the learned counsel appearing for the petitioners submitted that he would not question the finding of guilt and that he would be satisfied, if modification is shown in the matter of sentence. He further submitted that the petitioners 2 and 3 would deposit a sum of Rs.25,000/- to the credit of C.C.No.10 of 2006 on the file of the Judicial Magistrate, Musiri, within a period of three months from the date of receipt of a copy of this order. The first petitioner has been sentenced to one year rigorous imprisonment. The petitioner's counsel stated that instead of sending the first petitioner back to prison, he can be directed to pay an enhanced compensation.

4.Accepting the submission of the learned counsel appearing for the petitioner, this Court sets aside the sentence of imprisonment imposed on the petitioners. The petitioners are directed to pay compensation of Rs.1,50,000/- within a period of three months from the date of receipt of a copy of this order. This modification order is passed based on the undertaking given by the petitioners' counsel on instructions. In the event of failure on the part of the petitioners herein to pay the compensation amount, the sentence imposed by the First Appellate Court would stand automatically restored.

5.With this modification, this criminal revision case is partly allowed. The order now passed will not come in the way of Yuvaraj born to P.W.1 on account of the first petitioner from claiming his right independently.

Sd/-

Assistant Registrar(T & P)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Inspector of Police,
All Women Police Station, Musiri,
Trichy District.

2. The Additional District cum Sessions Court
(Fast Track Court No.2), Tiruchy.

3. The Judicial Magistrate, Musiri.

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

+1CC TO MR.V.ILLANCHEZIAN, Advocate Sr. No. 71655

Cr1.R.C(MD)No.312 of 2011

KMV(CO)

TR (11.07.2019) 3P 6C