



BAIL SLIP

The Appellant/Accused viz., 1.Pothiraj, S/O.Durairaj 2.Kannaiyiram, S/O. S/O.Durairaj 3.Krishnamoorthy, S/O.Durairaj was released on bail order datd 20.06.2011 made in MP(MD) No.1/2011 in CRL RC (MD) No.435/2011.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C. (MD)No.435 of 2011

1.Pothiraj
2.Kannaiyiram
3.Krishnamoorthy

... Petitioners/Accused No.1 to 3

Vs.

State through
The Inspector of Police,
Sulakkarai Police Station,
Virduhunagar District.
(Crime No.247 of 2009)

... Respondent/Complainant

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to call for the records in C.A.No.11 of 2011, on the file of the Additional District Judge, Fast Track Court, Virudhunagar, dated 06.06.2011, dismissing the appeal filed by the petitioners and confirmed the judgment passed in S.C.No.6 of 2010 by the Assistant Sessions Judge, Virudhunagar, dated 07.03.2011, set aside the conviction and sentence by allowing the appeal.

For Petitioners : Mr.Antony S.Prabahar
For Mr.B.Tamil Nidhi

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



O R D E R

The petitioners herein were convicted and sentenced vide judgement dated 07.03.2011 in S.C.No.6 of 2010 on the file of the Assistant Sessions Judge, Virudhunagar in the following manner:-

A1 guilty	Under Section 307 r/w., 34 of IPC	5 years R.I. and fine of Rs.1,000/- in default 6 months R.I.
	Under Section 341 of IPC	Rs.500/- fine in default one week R.I.
A2 guilty	Under Section 324 of IPC r/w.34 (two counts)	1 year R.I.(each count) Rs.1,000/- fine for each count in default 3 months R.I.
A3 guilty	Under Section 326 of IPC r/w.34	5 years R.I. Rs.1,000/- fine in default 6 months R.I.
	Under Section 324 of IPC two counts	Rs.1,000/- each in default 3 months R.I.

Questioning the same, they filed C.A.No.11 of 2011, on the file of the Additional District Judge, Fast Track Court, Virudhunagar. But the appeal was dismissed on 06.06.2011 and the judgment of the Court below was confirmed. Questioning the same, this criminal revision case has been filed.

2.When the matter was taken up for hearing, the learned counsel appearing for the revision petitioners submitted that having regard to the evidence on record, he will not be in a position to seriously contest the findings of guilt rendered by the Courts below. He however submitted that this Court will have to show considerable leniency in the matter of punishment for more reasons than one. He pointed that all the petitioners are brothers. If the judgments of the Courts below are confirmed, their entire family would be ruined. It is stated that they are poor coolies and that they had spent about 90 days in prison already.

3.He also highlighted the fact that the accident had taken place in the year 2009 and more than a decade had lapsed in the meanwhile. They had not come under any adverse notice thereafter.

4.I am satisfied that these are mitigating factors and that therefore even while sustaining the findings of guilt and the conviction imposed on the petitioners, the period of imprisonment imposed on them is reduced to the period already undergone by them. Having regard to the nature of the injuries caused to P.Ws.1 to 3 particularly cut and stab injuries inflicted by the petitioners herein. The fine amount imposed on the petitioners is enhanced from what has been already imposed on them to Rs.25,000/- each. The said amount shall be recovered from the petitioners herein and paid to P.Ws.1 to 3 respectively as compensation.



5. With this modification in the matter of sentence of imprisonment, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar (P&A)

WEB COPY

/TRUE COPY/

Sub Assistant Registrar

To:

1. THE ADDITIONAL DISTRICT JUDGE,
FAST TRACK COURT, VIRUDHUNAGAR, .
2. THE ASSISTANT SESSIONS JUDGE,
VIRUDHUNAGAR.
3. THE JUDICIAL MAGISTRATE NO. II,
VIRUDHUNAGAR.
4. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR.
5. THE INSPECTOR OF POLICE,
SULAKKARAI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
6. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
7. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SECTION OFFICER,
CRIMINAL SECTION (RECORDS)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

Cr1.R.C. (MD) No. 435 of 2011
25.06.2019

IAS

JM/31.07.2019/3P/10C