

**Bail Slip**

Vetrichselvan @ Vetrivel, S/o.Marimuthu, aged about 41 years was released on bail vide the order of this Court Dated:11.07.2011 made in MP(MD)No.1 of 2011 in CrI.RC(MD)No.499 of 2011.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C(MD)No.499 of 2011

Vetrichselvan @ Vetrivel

... Petitioner

Vs

State represented by,
The Sub Inspector of Police,
All Woman Police Station,
Aranthangi, Pudukkottai District.

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the Judgment passed in Criminal Appeal No.91 of 2010, dated 11.03.2011 on the file of the Additional District and Sessions Judge, Fast Track Court, Pudukkottai confirming the Judgment passed in C.C.No.234 of 2005, dated 02.07.2010 on the file of the Judicial Magistrate, Aranthangi and acquit the revision petitioner.

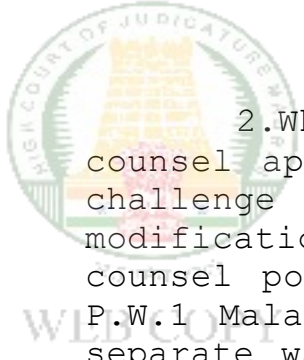
For Petitioner : Mr.K.Baalasundharam

For Respondent : Mrs.S.Bharathi

Government Advocate (CrI.side)

ORDER

The petitioner was the first accused in C.C.No.234 of 2005 on the file of the Judicial Magistrate, Aranthangi. The case was instituted based on the information lodged by the petitioner's erstwhile wife Malathi. Apart from the petitioner, there were four other accused. The prosecution examined as many as 10 witnesses. Ex.P1 to Ex.P5 were marked. On the side of the defence, no evidence was adduced. The learned trial Judge, while acquitting the remaining accused, found the petitioner guilty of the offence under Section 498A of IPC, vide Judgment dated 02.07.2010. Questioning the same, the petitioner filed Criminal Appeal No.91 of 2010 before the Additional District and Sessions Judge, Fast Track Court, Pudukkottai. The learned trial Magistrate had sentenced the petitioner to six months rigorous imprisonment and levied a fine of Rs.3000/- and default sentence was also imposed. The Appellate Court, by Judgment dated 11.03.2011 confirmed the Judgment of the trial Court. Aggrieved by the same, this criminal revision has been filed.



2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that he would not challenge the conviction and that he would only plead for modification of the sentence imposed on him. The petitioner's counsel pointed out that the marriage between the petitioner and P.W.1 Malathi was dissolved and thereafter, they have gone their separate ways and that the petitioner has got remarried and P.W.1 also got remarried. The petitioner is having three children through his second wife. The petitioner is a Coolie. He was in prison for about 16 days. The petitioner is also willing to pay a sum of Rs.10,000/- as compensation to P.W.1.

3. Taking note of these aspects, this Court reduces the sentence of imprisonment from six months rigorous imprisonment to the period already undergone. The fine amount is set aside. However, the petitioner's counsel states that the petitioner will not apply for refund of the fine amount. The petitioner is directed to deposit a sum of Rs.10,000/- as compensation payable to P.W.1 to the credit of C.C.No.234 of 2005 on the file of the Judicial Magistrate, Aranthangi, within eight weeks from the date of receipt of a copy of this order. In the event of failure on the part of the petitioner to do so, he will have to undergo three months simple imprisonment.

4. With this modification, this criminal revision case stands partly allowed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Sub Inspector of Police,
All Woman Police Station,
Aranthangi, Pudukkottai District.

2. The Additional District and Sessions Judge, Fast Track Court,
Pudukkottai.

3. The Judicial Magistrate, Aranthangi.

+1 CC to Mr.K.BAALASUNDHARAM, Advocate SR-72122.

Cr1.R.C (MD) No.499 of 2011
28.06.2019

CS(19.07.2019) 2P 5C