

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 25.06.2019****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Cr1.R.C(MD)No.555 of 2011**

V.Chinnathurai @ Ramasamy ... Petitioner/Petitioner/Accused

Vs

State rep by Inspector of Police,
Alangudy Police Station,
Pudukkottai District.
(Cr.No.47 of 2004)

... Respondent/Respondent/Complainant

PRAYER: This Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the conviction and sentence passed in Criminal Appeal No.54 of 2009 on the file of the Fast Track Court, Pudukkottai, dated 10.03.2011 confirming the Judgment and sentence dated 14.12.2009 in C.C.No.87 of 2005 on the file of the Judicial Magistrate, Alangudi for the offences under Sections 417 IPC.

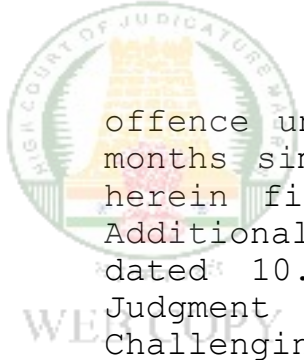
For Petitioner : Mr.J.Anandakumar

For Respondent : Mrs.S.Bharathi
Government Advocate (Cr1.side)

ORDER

The case of the prosecution is that the petitioner herein had sexual intercourse with the defacto complainant namely Rajathi by promising to marry her. As a result, P.W.1 became pregnant. When she demanded that the petitioner should marry her, the accused A1 to A5 are said to have demanded dowry. Therefore, the defacto complainant lodged Ex.P1-complaint leading to registration of FIR-Ex.P6 in Crime No.47 of 2004 on the file of the Alangudi Police Station. Investigation was undertaken and final report was filed and the learned Judicial Magistrate, Alangudy took cognizance of the offence under Section 417 of IPC against the petitioner herein along with Section 4 of Dowry Prohibition Act and Section 4 of Dowry Prohibition Act against A2 to A5. The accused denied the charges and claimed to be tried.

2.The prosecution examined as many as 16 witnesses in support of the charges and marked Exs.P1 to P6. M.O.1 and M.O.2 were are also marked. On the side of the accused, no evidence was adduced. The learned trial Magistrate by Judgment dated 14.12.2009 acquitted all the accused of the charge under Section 4 of Dowry Prohibition Act and convicted the petitioner herein alone for the



offence under Section 417 of IPC and sentenced to undergo three months simple imprisonment. Questioning the same, the petitioner herein filed Criminal Appeal No.54 of 2009 on the file of the Additional District and Sessions Judge, Pudukkottai. By Judgment dated 10.03.2011, the Criminal Appeal was dismissed and the Judgment passed by the learned trial Magistrate was confirmed. Challenging the same, this criminal revision case has been filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the revision petitioner herein submitted that he would not challenge the finding of guilt and that he only wants modification in the matter of sentence. In fact, the revision petitioner firmly asserts that he is not responsible for the pregnancy or the delivery of the child. Even the revision petitioner is ready to undergo DNA test. In as much as there was a relationship between the parties, the revision petitioner is ready to deposit a sum of Rs.50,000/- to the credit of CC No.87 of 2005 on the file of the learned Judicial Magistrate, Alangudi within a period of four weeks from the date of receipt of a copy of this order. On such deposit by the revision petitioner, the learned Judicial Magistrate, Alangudi shall hand over the same to the victim/P.W.1 as her compensation. The conviction imposed on the revision petitioner is sustained and the sentence of imprisonment alone is set aside. But, in the event of failure to deposit the said amount, the sentence of imprisonment imposed by the courts below will stand automatically restored.

4. Accordingly, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar(CS-II)

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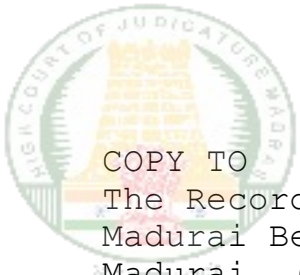
Sub Assistant Registrar(CS)

Skm

To

1. The Additional District and Sessions Judge,
Fast Track Court, Pudukkottai.
2. The Judicial Magistrate, Alangudi.
3. The Inspector of Police, Alangudy Police Station,
Pudukkottai District.
4. The Additional Public Prosecutor,

Madurai Bench of Madras High Court,
Madurai.



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