

BAIL SLIP

1)Muniyasamy, S/O.Meera Thevar 2)Sethu, S/O.Pulli Udayar were released on bail vide MP(MD).1/2011 in CRL RC(MD) .649/2011 dated 03.08.2011.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCrl.R.C.(MD)No.649 of 2011

1.Muniyasamy
2.Sethu

.. Petitioners/Appellants/
Accused Nos.1 and 2

Vs.

The State rep. by,
The Inspector of Police,
Paralatchi Police Station,
Virudhunagar District.
(Crime No.4 of 2002)

.. Respondent/Complainant

Prayer : This Criminal Revision petition is filed under Sections 397 and 401 of Cr.P.C., against the Judgment and conviction passed by the learned Assistant Sessions Court, Aruppukottai, Virudhunagar District, in S.C.No.91 of 2002, dated 13.09.2004 convicting them for the alleged offences under Section 148 of I.P.C. to undergo 1 month Rigorous Imprisonment and to pay a fine of Rs.2,000/-, in default to undergo 2 months Rigorous Imprisonment and accused No.2 was convicted for the offence under Section 324 of I.P.C. to undergo 3 months Rigorous Imprisonment and to pay a fine of Rs.2,500/-, in default to undergo 2 months Rigorous Imprisonment and the accused No.1 was convicted for the offence under Section 307 of I.P.C. to undergo 7 years Rigorous Imprisonment and to pay a fine of Rs.10,000/- in default to undergo 6 months Rigorous Imprisonment and the accused No.1 was acquitted for the offence under Section 326 of I.P.C. and the accused persons should run the sentence concurrently and the same was modified by the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur, in C.A.No.143 of 2004, dated 25.07.2011 in respect of the offence under Section 148 of I.P.C. was set aside as against accused No.1 and 2 and the offence under Section 307 of I.P.C. was set aside as against accused No.1 and fine amount of Rs.2,000/- paid by the accused was ordered to be refunded to the accused and the accused No.1 was convicted for the offence under Section 326 of I.P.C. to undergo 3



years Rigorous Imprisonment and to pay a fine of Rs.5,000/- in default to undergo 1 year Rigorous Imprisonment and the accused No.2 conviction was confirmed for the offence under Section 324 of I.P.C. was concerned since the accused No.1 has already paid the fine amount of Rs.10,000/- and the remaining fine amount of Rs.5,000/- was ordered to be repaid.

For Petitioners : Mr.Jagadesh Pandian,
for Mr.S.Balakarthick

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

ORDER

The first petitioner was convicted for the offence under Section 307 of I.P.C and sentenced to 7 years Rigorous Imprisonment, while the second petitioner was convicted for the offence under Section 324 of I.P.C., and sentenced to undergo 3 months Rigorous Imprisonment by the learned Assistant Sessions Judge, Aruppukottai, in S.C.No.91 of 2002 vide Judgment dated 13.09.2004. Questioning the same, the petitioners filed C.A.No.143 of 2004 before the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur. The conviction imposed on the first petitioner was modified to one under Section 326 of I.P.C. and sentence of imprisonment was also reduced from 7 years Rigorous Imprisonment to 3 years Rigorous Imprisonment. The conviction and sentence imposed on the second petitioner for the offence under Section 324 of I.P.C. was confirmed by the appellate Court. Challenging the same, this Criminal Revision case has been filed.

2. When the matter was taken up for hearing, the petitioners' counsel submitted that he would not challenge the finding of guilt. He would only seek leniency in the matter of punishment. He also pointed out that the petitioners were in custody for about 52 days. The occurrence had taken place way back in the year 2002. More than 17 years have gone by. The petitioners have not come under the adverse notice during the intervening period. The petitioners also undertook to deposit a sum of Rs.5,000/- each to the credit of S.C.No.91 of 2002 on the file of the learned Assistant Sessions Judge, Aruppukottai, within a period of four weeks from the date of receipt of a copy of this order. The said amount of Rs.10,000/- will be disbursed to P.W.1 Vazhivittan, by the learned trial Judge. The sentence of imprisonment imposed on the petitioners is reduced to the period already undergone. The fine imposed on the petitioners is set aside. The petitioner's counsel however submitted that the petitioners would not apply for refund of the fine amount. If the petitioners fail to deposit the said compensation amount, the petitioners will have to undergo default sentence of 3 months Rigorous Imprisonment.



3. With these modifications, the Criminal Revision stands partly allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar

To

1. The Assistant Sessions Judge,
Aruppukottai, Virudhunagar District.

2. The Principal Sessions Judge,
Virudhunagar District.

3. The Inspector of Police,
Paralatchi Police Station,
Virudhunagar District.

4. The Superintendent,
Central Prison, Madurai.

5. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)

+1 CC to M/s.S.BALAKARTHICK, Advocate (SR-72622[F] dated 02/07/2019)

Crl. R.C. (MD) No. 649 of 2011
01.07.2019

JM/22.08.2019/3P/8C