**Bail Slip**

Manoharan, S/o.Sivanandi, Appellant/Accused No.1 is released on bail vide the order of Court dated 07.09.2011 made in M.P.(MD). No.2 of 2011 in Cr1.RC (MD).No.737 of 2011

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**Cr1.R.C. (MD)No.737 of 2011**

Manoharan

... Petitioner/Appellant

Vs.

The State Rep. by
The Inspector of Police,
Bodinayakanur Police Station,
Theni District.
(Crime No.3 of 2002)

... Respondent/Complainant

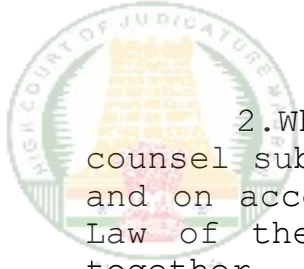
Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to call for the records and set aside the sentence and conviction imposed in C.A.No.3 of 2010, on the file of the Principal District and Sessions Court, Theni dated 23.12.2010, wherein the learned Appellate Court modified the trial Court in S.C.No.74 of 2004 by the Assistant Sessions Judge cum Chief Judicial Magistrate, Theni, dated 11.12.2009.

For Petitioner : Mr.S.M.A.Jinnah

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

O R D E R

The petitioner was found guilty of the offence under Sections 307, 354 of I.P.C. by the learned Trial Judge in S.C.No.77 of 2004, on the file of the learned Assistant Sessions Judge cum Chief Judicial Magistrate, Theni, vide judgment dated 11.12.2009. The petitioner filed C.A.No.3 of 2010 before the learned Principal District and Sessions Judge, Theni and vide judgment dated 23.12.2010, the petitioner was acquitted of the offence under Section 354 of I.P.C. However the conviction and sentence imposed on the petitioner for the offence under Section 307 of I.P.C. was confirmed. The petitioner has been sentenced to undergo three years rigorous imprisonment and levied with fine of Rs.500/-.



2. When the matter was taken up for hearing, the petitioner's counsel submitted that the petitioner had entered into love marriage and on account of the conduct of the victim, who is the Father-In-Law of the petitioner, the petitioner and his wife could not be together. This is the motive for the occurrence. The petitioner's counsel submitted that the petitioner has not come under any adverse notice subsequently. That apart, the petitioner and his wife rejoined. More than anything else, the petitioner has been in custody for two years. Therefore, I am of the view that sending the petitioner to prison at this point of time would not be fair. Therefore, even while sustaining the conviction imposed on the petitioner, this Court reduces the imprisonment imposed on the petitioner to the period already undergone by him. With this modification in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To:

1. The Principal District and Sessions Court,
Theni.
2. The Assistant Sessions Judge,
Chief Judicial Magistrate, Theni.
3. The Inspector of Police,
Bodinayakanur Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.R.C. (MD) No. 737 of 2011
27.06.2019

ias

JMN(13.08.2019) 2P : 5C