

**Bail Slip**

Samy (M/40/211), S/o.Panjaraja- Appellant/Accused was released on bail of this Court order dated 09.09.2011 made in MP (MD).No.1/2011 in Cr1.RC(MD).No.757/2011

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.757 of 2011**

Samy

... Petitioner/Appellant/Accused

Vs.

The Inspector of Police,
Vasudevanallur Police Station,
Tirunelveli District.

... Respondent/Respondent

Prayer: Criminal Revision Case is filed under Section 397 r/w. 401 of Cr.P.C, to set aside the conviction under Section 341 of IPC and imposed a fine of Rs.100/- in default one week S.I and he was also convicted under Section 4 of Tamil Nadu Prohibition of Women Harassment Act and sentenced to 6 months R.I and Rs.10,000/- fine in default 3 months R.I by the learned District Munsif cum Judicial Magistrate, Sivagiri in C.C.No.160 of 2007, dated 07.01.2011 and the same was confirmed by the learned Additional District & Sessions Judge cum Fast Track Court No.I, Tirunelveli in C.A.No.9 of 2011, dated 04.07.2011.

For Petitioner : Mr.C.Christopher

For Respondent : Mrs.S.Bharathi

Government Advocate (Cr1. Side)

O R D E R

The case of the prosecution is that on 07.08.2007 at about 05.30 p.m., the petitioner herein had pulled the hand of P.W.1 and pushed her down in the backyard of her house. Therefore, Crime No.157 of 2007 was registered on the file of Vasudevanallur Police Station. Investigation was undertaken and final report was filed and the learned Judicial Magistrate, Sivagiri took cognizance of the offence under Sections 341, 354, 294(b) and 506(ii) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Women Harassment Act.

2. In support of the prosecution case as many as 10 witnesses were examined. Ex.P.1 to Ex.P.6 were marked.



3. The learned Trial Magistrate found the petitioner guilty of the offence under Sections 341 and 354 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Women Harassment Act. The petitioner was acquitted in respect of the offence under Sections 294(b) and 506 (ii) of I.P.C. The petitioner was levied with fine of Rs.100/- for the offence under Section 341 of I.P.C. and he was sentenced to six months rigorous imprisonment and levied with fine of Rs.10,000/- for the offence under Section 4 of Tamil Nadu Prohibition of Women Harassment Act. No separate sentence was imposed with regard to conviction under Section 354 of I.P.C. Questioning this judgment dated 07.01.2011, the petitioner filed C.A.No.9 of 2011 before the learned Additional District and Sessions Court, Tirunelveli. The Appellate Court by judgment dated 04.07.2011 dismissed the appeal and confirmed the judgment of the learned Trial Magistrate. Challenging the same, the petitioner filed this criminal revision case.

4. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that there are certain civil disputes between the parties and that is why this case has been falsely given.

5. When both the Courts below concurrently found the petitioner guilty of the offence under Sections 341 and 354 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, I do not find any ground to re-appreciate the evidence in exercise of my revisional jurisdiction. However, taking note of the lapse of time, I am of the view that the petitioner need not be sent to prison at this point of time. This is because the petitioner is having three children and it is submitted by the counsel on either side that he has not come under any adverse notice either before or after. Even while sustaining the levy of fine on the petitioner, this Court sets aside the sentence of imprisonment imposed on him for the offence under Section 4 of Tamil Nadu Prohibition of Women Harassment Act. With this modification in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar

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To:

1.The learned District Munsif
cum Judicial Magistrate,
Sivagiri.

2.Do through The Chief Judicial Magistrate, Tirunelveli

3.The Additional District & Sessions Judge
cum Fast Track Court No.I, Tirunelveli .

4.The Inspector of Police, Vasudevanallur Police Station,
Tirunelveli District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.CHRISTOPHER, Advocate (SR-72066[F] dt 28/06/2019)

Cr1.R.C.(MD)No.757 of 2011
27.06.2019

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