

**Bail Slip**

The Appellant/ Accused viz., 1.Manikandamoorthy, s/o Palani Samy, 2.Ponsaravanan, s/o ponniah, was released on bail (accused not in jail) dated 28.09.2011, made in MP(MD)No.1 of 2011 in CRL.R.C(MD) No.827 of 2011.

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The Appellant/ Accused viz., Rajaram, s/o Neelamegam, was released on bail (accused not in jail) dated 23.09.2011 made in MP (MD)NO.1 OF 2011 IN CRL.R.C(MD)No.813 of 2011.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C(MD)Nos.813 and 827 of 2011

1.Manikandamoorthy

2.Ponsaravanan ... Petitioners/ Appellants 1 & 2/Accused No.1 & 2
in Crl.R.C.(MD)No.827 of 2011

Rajaram ... Petitioner/ Appellant/ 3rd Accused
in Crl.R.C.(MD)No.813 of 2011

Vs

State through
The Inspector of Police,
Bodi Town Police Station,
Bodi, Theni District.
Crime No.473/2002

... Respondent/ Respondent/ Complainant
in both Crl.R.Cs.

COMMON PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records from the Courts below and set aside the conviction order passed by the Fast Track Court, Periyakulam, daed 15.09.2011 in C.A.No.30 of 2009 by confirming the Judgment dated 01.09.2009 made in C.C.No.12 of 2003 on the file of the District Munsif cum Judicial Magistrate Court Bodinayakanur.

For Petitioner : Mr.K.Appadurai
(in Crl.R.C.(MD)No.813 of 2011)

For Petitioner : Mr.S.Thirupathy
(in Crl.R.C.(MD)No.827 of 2011)

For Respondent : Mrs.S.Bharathi
(in both Crl.R.Cs.) Government Advocate (Crl.side)

**COMMON ORDER**

The petitioners are said to have threatened P.W.1 that they would publish defamatory material concerning him in their magazine, if he did not pay a sum of Rs.10,000/- to them. In this regard, Crime No.473 of 2002 was registered on the file of the Inspector of Police, Bodi Town Police Station, Bodi. Investigation was undertaken and final report was filed and the learned Judicial Magistrate, Bodinayakanur took cognizance of the offence under Section 120(B) and 384 of IPC. The petitioners pleaded not guilty to the charge and claimed to be tried.

2.The prosecution examined 7 witnesses. Ex.P1 to Ex.P23 were marked. On the side of the accused, no evidence was adduced. The learned trial Magistrate, by Judgment dated 01.09.2009, found the petitioners guilty of the offence, with which, they were charged and sentenced them to undergo six months rigorous imprisonment for the offence under Section 120(B) of IPC and two years rigorous imprisonment for the offence under Section 384 of IPC. The same was confirmed as such by the Appellate Court in Criminal Appeal No.30 of 2009 on the file of the Additional District and Sessions Judge, Fast Track Court, Periyakulam, vide Judgment dated 15.09.2011. The same is under challenge in these two revision cases.

3.When the matter was taken up for hearing, the convicted accused submitted that they would not question the finding of guilt and that they would be satisfied, if the sentence of imprisonment is set aside.

4.This Court takes note of the fact that the occurrence had taken place way back in the year 2002. Almost 17 years have gone by. The petitioners do not appear to have come under adverse notice thereafter. Of-course, the Government Advocate (Crl.side) would claim that Rajaram who is the third accused in this case, has involved himself in some cheating case in the year 2003.

5.Taking note of the efflux of time, this Court even while confirming the sentence, reduces the period of imprisonment to the period already undergone by them. With this modification in the matter of sentence, these criminal revision cases are partly allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar



To

1.The Fast Track Court, Periyakulam.

2.The District Munsif cum Judicial Magistrate Court, Bodinayakanur.

3.The Inspector of Police,
Bodi Town Police Station,
Bodi, Theni District.

4. The Additional Public Prosecutor,
Madurai Bench Of Madras High Court,
Madurai.

COPY TO:

The Section Officer, Recrods **(2 copies)**
Criminal section
Madurai bench of Madras High Court,
Madurai.

+1 CC to M/s.K.APPADURAI, Advocate (SR-71862[F] dated 27/06/2019)

+1 CC to M/s.D. MURUGANANTHAM, Advocate (SR-10605[D] dated
07/08/2019)

Cr1.R.C(MD)Nos.813 and 827 of 2011
27.06.2019

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MS/10.09.2019/3P.9C