

**BAIL SLIP**

The Petitioners/Appellants namely 1.Elangovan, 2.Ramadoss, 3.Ravi, 4.Kuttai Raman @ Ramasamy were released on bail by this Hon'ble Court vide order made in MP(MD)No.1/11 in CrI.RC.(MD) No.860/2011 dated 4.11.2011.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C.(MD)No.860 of 2011

1.Elangovan

2.Ramadoss

3.Ravi

4.Kuttai Raman @ Ramasamy

... Petitioners/Appellant/
A1 to A4

Vs

State By,

The Inspector of Police,

Kollidam Police Station,

Trichy.

Cr.No.521 of 2006

... Respondent/Respondent/
Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records and set aside the order passed in C.A.No.152 of 2010, dated 20.07.2011 on the file of the Additional District and Sessions Judge, (Fast Track Court No.I), Trichy in confirming the order passed by the learned Judicial Magistrate No.IV, Trichy, in C.C.No.37 of 2009, dated 19.11.2010.

For Petitioner : Mr.N.Sankar Ganesh

For Respondent : Mr.A.Robinson
Government Advocate (CrI.side)

ORDER

The petitioners herein faced trial in C.C.No.37 of 2009 on the file of the Judicial Magistrate No.4, Tiruchirappalli and vide Judgment dated 19.11.2010, suffered conviction and was sentenced in the following manner:-



Accused	Offences	Conviction
Accused No.1	324, 326 of IPC	Sentenced him to undergo rigorous imprisonment for three years
Accused No.2	325 IPC	Sentenced him to undergo rigorous imprisonment for three years
Accused No.3 & 4	323, 325 of IPC	Sentenced them to undergo rigorous imprisonment for one year under Section 323 IPC and also sentenced them to undergo rigorous imprisonment for three years under Section 325 of IPC and ordered sentences to run concurrently

Aggrieved by the same, the petitioners filed Criminal Appeal No.152 of 2010 before the Additional District and Sessions Judge/Fast Track Court, Tiruchirppalli. The Appellate Court, by Judgment dated 20.07.2011, dismissed the appeal and confirmed the Judgment of the trial Magistrate. Challenging the same, this criminal revision case came to be filed.

2.When the matter was taken up for hearing, it was seen that all the four petitioners herein were in prison for a few days. While A1, A3 and A4 were in prison for about 15 days. The second petitioner was in prison for about 8 days. The occurrence had taken place as early as on 25.07.2006. The petitioners' counsel states that the petitioners have not come under adverse notice thereafter.

3.Taking note of the mitigating circumstances, even while sustaining the conviction imposed on the petitioners, the sentence of imprisonment imposed on them is modified and reduced to the period already undergone. But then, it is seen that the first petitioner had inflicted the fracture injury on P.W.2-Balasubramanian. The first petitioner is therefore directed to deposit a sum of Rs.5,000/- as compensation to the credit of C.C.No.37 of 2009 on the file of the Judicial Magistrate No.4, Tiruchirapalli. The learned trial Magistrate shall take steps to have the said compensation amount disbursed to P.W.2-Balasubramanian. The first petitioner shall deposit the compensation amount within a period of eight weeks from the date of receipt of a copy of this order. In the event of failure on the part of the first petitioner to do so, he will have to undergo three months simple imprisonment by way of default sentence.



4. With this modification in the matter of sentence, this criminal revision case stands partly allowed.

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Sd/-

Assistant Registrar (ADII)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police,
Kollidam Police Station,
Trichy.

2. The Judicial Magistrate No. IV, Trichy.

3. The Additional District and Sessions Judge,
(FTC-1), Trichy.

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

+One cc to Mr. N. Shankar Ganesh, Advocate, SR.No.73031

Cr1.R.C (MD) No.860 of 2011

03.07.2019

RL/16.07.2019/3P/6C