



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.R.C(MD)No.905 of 2011

WEB COPY

Ayyanar

... Petitioner

Vs

State represented by
Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
In Crime No.97/05

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the conviction and sentence imposed by the Principal Sessions Court, Virudhunagar District at Srivilliputhur in C.A.No.07/2008, dated 31.10.11 in confirming the conviction and sentence imposed by the Assistant Sessions Court, Sivakasi in S.C.No.141/05, dated 20.12.07 and allow this criminal revision petition.

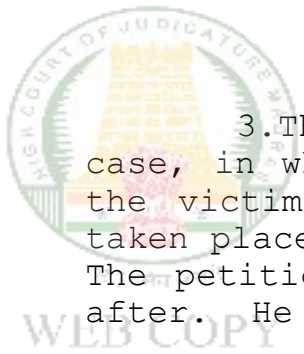
For Petitioner : Mr.G.Marimuthu

For Respondent : Mrs.S.Bharathi
Government Advocate (Crl.side)

ORDER

The petitioner along with his father and mother faced trial in Sessions Case No.141 of 2005 on the file of the Assistant Sessions Court, Sivakasi for the offence under Section 307 of IPC. During pendency of the trial, A2 namely, father of the petitioner passed away. The petitioner and his mother Kaliammal alone were convicted. Questioning the same, they filed criminal Appeal No.7 of 2008 before the Principal Sessions Judge, Virudhunagar District, Srivilliputhur. By Judgment dated 31.10.2011, the petitioner's mother Kaliammal was acquitted. While the conviction and sentence imposed on the petitioner was sustained. The petitioner was convicted for the offence under Section 307 of IPC and sentenced to seven years rigorous imprisonment and levied with fine of Rs.5,000/-.

2.When the matter was taken up for hearing, even though the petitioner has a strong technical ground to urge, he submitted that he would not challenge the finding of guilt and that, he would be satisfied, if leniency is shown in the matter of sentence.



3.The Government Counsel, however, reported that this is a case, in which, the accused had virtually chopped off the wrist of the victim namely, Muthumariyappan. Of-course, the occurrence had taken place way back on 04.05.2005. More than 14 years have lapsed. The petitioner has not come under adverse notice either before or after. He is a poor agricultural coolie.

4.These mitigating circumstances are taken into account and the petitioner also comes forward to pay a sum of Rs.20,000/- as token compensation acknowledging his guilt. Therefore, taking note of all these aspects, the sentence of imprisonment is reduced from seven years rigorous imprisonment to eight months rigorous imprisonment. Of-course, the period already undergone by him will be set off under Section 428 of Cr.P.C. The fine amount of Rs.5000/- imposed on the petitioner is enhanced to Rs.25,000/- The petitioner shall remit the fine amount within a period of eight weeks from the date of receipt of a copy of this order. Out of the said fine amount, the entire Rs.20,000/- to be deposited by the petitioner shall be paid as compensation to the victim P.W.1-Muthumariayappan, by the trial Court. If the petitioner fails to deposit the compensation amount, he will have to undergo the default sentence of three months simple imprisonment. The same will run consecutively and not concurrently. This criminal revision case is partly allowed on these terms.

Sd/-

Assistant Registrar (CSIII)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Principal Sessions Court,
Virudhunagar District, Srivilliputhur.
 - 2.The Assistant Sessions Court, Sivakasi.
 - 3.The Inspector of Police,
Vembakottai Police Station,
Virudhunagar District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
- +One cc to M/s.G.M.Law Office, SR.No.72050

Cr1.RC(MD)No.905 of 2011
27.06.2019