



BAIL SLIP

The Appellant/Accused namely S.Murugesan, S/o.Subbiah was released on bail as per order of this Court dated 1.2.2012 and made in MP(MD).No.2 of 2011 in CRL RC(MD)954 of 2011 on the file of this Court.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.R.C.(MD)No.954 of 2011

S.Murugesan

.. Revision petitioner/
Appellant/Accused(Single)

Vs.

State represented by,
The Inspector of Police,
Aalangulam police station,
Tirunelveli District.
(Crime No.229 of 2001)

.. Respondent/Complainant/
Complainant

Prayer : This Criminal Revision petition is filed under Sections 397 and 401 of Cr.P.C., to admit this Revision on file, to call for the records from the lower Court and to duly set aside the orders passed by the learned Additional Sessions Judge, Fast Track Court No.I, Tirunelveli, Tirunelveli District, in his C.A. No.193 of 2007, dated 01.11.2010 confirming the conviction of the learned Additional Assistant Sessions Judge, Tenkasi, Tirunelveli District, in his S.C.No.267 of 2002 by allowing this Revision.

For Petitioner : Mr.K.Prabhu

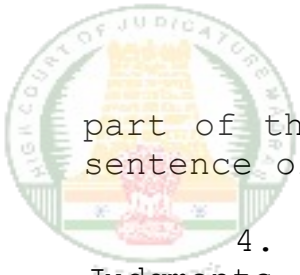
For Respondent : Mr.A.Robinson,
Government Advocate(Crl.Side).

**ORDER**

The petitioner had attacked P.W.1 Vellaiyammal on 18.05.2001 at about 7.30 a.m. with M.O.4 Aruval and caused her grievous injuries. In this regard, Crime No.229 of 2001 was registered on the file of Alankulam police station. Investigation was undertaken and final report came to be filed before the learned Judicial Magistrate, Tenkasi. Cognizance of the offence under Section 307 of I.P.C. was taken and committed to the Sessions Court in S.C.No.267 of 2002 and made over to the learned Additional Assistant Sessions Judge, Tenkasi. The petitioner denied the charges and claimed to be tried. The prosecution examined as many as 15 witnesses and marked Ex.P.1 to Ex.P.10. M.O.1 to M.O.6 were also marked. On the side of the accused, no evidence was adduced. The learned trial Judge by Judgment dated 14.11.2006 found the petitioner guilty of the offence under Section 307 of I.P.C and sentenced him to undergo 7 years Rigorous Imprisonment and levied with a fine of Rs.3,000/-. Default sentence was also imposed. Questioning the same, the petitioner filed C.A.No.193 of 2007 before the learned Additional District Sessions Judge, Tirunelveli. By Judgment dated 01.11.2010, the appeal filed by the petitioner was dismissed and the Judgment of the trial Court was totally confirmed. Challenging the same, this Criminal Revision has been filed.

2. When the matter was taken up for hearing, the petitioner's counsel submitted that in as much as the injured witness P.W.1 herself was examined in support of the prosecution case, he would not question the finding of guilt imposed on him. He would only seek leniency in the matter of punishment. The petitioner's counsel further pointed out that the occurrence had taken place as early as in the month of May 2001 and 18 years have elapsed, in the meanwhile. The petitioner had not come under the adverse notice during the intervening years. He had spent almost 1½ years in prison. He has now come forward to pay a sum of Rs.25,000/- as compensation to P.W.1.

3. Taking note of these aspects, this Court even while sustaining the conviction imposed on the petitioner, modifies the sentence of imprisonment imposed on the petitioner to the period already undergone. The sentence of fine is also set aside. However, the petitioner's counsel submitted that he would not apply for refund of the fine amount. The petitioner is directed to deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) towards compensation to the credit of S.C.No.267 of 2002 on the file of the learned Additional Assistant Sessions Judge, Tenkasi, within a period of eight weeks from the date of receipt of a copy of this order. Upon such deposit being made, the same shall be



part of the petitioner to do so, he will have to undergo default sentence of 9 months Rigorous Imprisonment.

4. With this modification in the matter of sentence, the Judgments of the Courts below are modified. The Criminal Revision stands partly allowed. No costs.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1. The Additional Sessions Judge,
Fast Track Court No.I,
Tirunelveli, Tirunelveli District.
2. The Additional Assistant Sessions Judge,
Tenkasi, Tirunelveli District.
3. The Judicial Magistrate, Tirunelveli.
4. The Superintendent,
Central Prison, Palayamkottai, Tirunelveli.
5. The Inspector of Police,
Aalangulam police station,
Tirunelveli District.
6. The Section Officer, Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2 copies)
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-72695[F] dated 02/07/2019)

CrI. R.C.(MD)No.954 of 2011
01.07.2019

KG(CO)

TR(29.01.2020) 3P 10C

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