



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANCrI.R.C. (MD) No.238 of 2013

WEB COPY

Kangaraj

.. Petitioner/Appellant/Accused

Vs.

The State rep. by,
The Sub Inspector of Police,
Manachanallur Police Station,
Trichy.

(Crime No.111 of 2006)

.. Respondent/Respondent/ Complainant

Prayer : This Criminal Revision petition is filed under Section 397 r/w 401 of Cr.P.C., to call for the records and set aside against the Judgment and sentence passed in C.A.No.106 of 2011 dated 21.12.2012 on the file of the III Additional District and Sessions Judge, Thiruchirappalli, confirming the Judgment and sentence passed in C.C.No.28 of 2007, dated 18.10.2011 on the file of the learned Judicial Magistrate No.III, Trichy, convicting the petitioner under Sections 324(2 counts) and 506(ii) of I.P.C. and sentenced to undergo 6 months Rigorous Imprisonment for each offence and to pay a fine of Rs.500/- each and in default to undergo one week simple imprisonment against each offence and the sentence of imprisonment is ordered to run concurrently.

For Petitioner

: Mr.V.Illanchezian

For Respondent

: M/s.S.Bharathi,

Government Advocate(CrI.Side).

ORDER

The petitioner is said to have attacked P.W.1 and P.W.2 with Aruval on 29.04.2006 at about 8.45 p.m. In this regard, Crime No.111 of 2006 was registered on the file of the Sub Inspector of Police, Manachanallur police station. Final report came to be filed before the learned Judicial Magistrate No.III, Thiruchirappalli. Cognizance of the offence under Section 324 (2 counts) and 506(ii) of I.P.C. was taken in C.C.No.28 of 2007. The petitioner denied the charges framed against him and claimed to be tried. The prosecution examined as many as a 12 witnesses and marked Ex.P.1 to Ex.P.8. M.O.1 Aruval was also marked. On the side of the accused, no evidence was adduced. The learned trial Magistrate, by Judgment dated 18.10.2011 found the petitioner guilty of the offence with which he was charged and sentenced him to undergo 6 months Rigorous Imprisonment for each offence and also levied with a fine. The petitioner was directed to pay a total amount of Rs.1,500/- as fine. This Judgment passed by the trial Court was challenged in C.A.No.106 of 2011 on the file of the learned III Additional District Judge (Fast Track Court), Thiruchirappalli. But the appellate Court by



Judgment dated 21.12.2012 dismissed the appeal filed by the petitioner herein. Challenging the same, this Criminal Revision has been filed.

2. When the matter was taken up for hearing, the petitioner's counsel submitted that he would not question the finding of guilt and he would be satisfied, if the sentence of imprisonment is set aside. It appears that the petitioner was in prison for a few days.

3. Be that as it may, taking note of the sheer efflux of time and the offer of the petitioner to pay a compensation of Rs.10,000/- each to the injured witnesses, this Court is of the view that the sentence imposed on the petitioner deserves to be set aside. Accordingly, it is set aside. The petitioner's counsel further submitted that the petitioner would not apply for refund of the fine amount. The conviction imposed on the petitioner is sustained. The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of C.C.No.28 of 2007 on the file of the learned Judicial Magistrate No.III, Thiruchirappalli, within a period of four months from the date of receipt of a copy of this order. The learned trial Magistrate shall take steps to ensure that the said amount is disbursed to the prosecution witnesses, namely, P.W.1 Thangaraj and P.W.2 Selvaraj, in equal shares. If the petitioner fails to deposit the said compensation amount within the stipulated period as directed above, the petitioner will have to undergo default sentence of three months Simple Imprisonment.

4. With this modification in the matter of sentence, the Criminal Revision stands partly allowed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

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To

1. The III Additional District and Sessions Judge,
Thiruchirappalli.

2. The Judicial Magistrate No.III, Trichy.

3. The Sub Inspector of Police,
<https://hcservices.courts.gov.in/hcservices/>
Manachanallur Police Station, Trichy.



4. The Section Officer, (2 COPIED)
Criminal Section,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.V.ILLANCHEZIAN, Advocate (SR-72964[F] dated
03/07/2019)

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