**Bail Slip**

Innisaimuthu @ Logidoss, S/o.Annthonimuthu, male, aged about 48/2013 years (Sole Accused) is released on bail vide Court order dated 22.03.2013 made in MP(MD).No.1 of 2013 in CrI.RC(MD).No.269 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C(MD)No.269 of 2013

Innasimuthu @ Logidoss

... Petitioner/Appellant/Accused

Vs

The State represented by
Inspector of Police,
Thirumayam Circle,
Pudukkottai District.

(Crime No.119 of 2009 on the
file of Namanasamudram Police Station)... Respondent/Respondent/
Complainant

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records relating to the Judgment of conviction dated 21.06.2012 made in S.C.No.64 of 2011 on the file of the Chief Judicial Magistrate, Pudukkottai for the alleged offence under Section 436 of IPC, sentencing the petitioner to undergo three years rigorous imprisonment and a fine of Rs.1000/- in default to pay the fine amount, to undergo six months rigorous imprisonment and as confirmed by the Judgment dated 21.12.2012 made in C.A.No.25 of 2012 on the file of the Additional District and Sessions Judge, Pudukkottai, set aside the same and allow this criminal revision case.

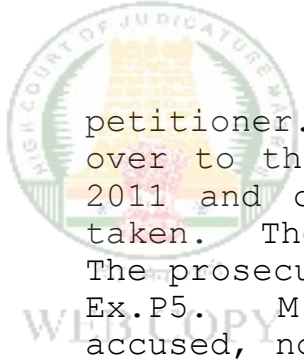
For Petitioner : Mr.B.Jameel Arasu

For Respondent : Mr.A.Robinson

Government Advocate (CrI.side)

ORDER

The petitioner is said to have set fire to the house of the defacto complainant and caused loss to the tune of Rs.25,000/-. In this regard, Crime No.119 of 2009 was registered on the file of the Inspector of Police, Thirumayam Circle, Pudukkottai District. Investigation was taken up and final report was filed against the



petitioner. The matter was committed to the Sessions Court and made over to the Chief Judicial Magistrate, Pudukkottai in S.C.No.64 of 2011 and cognizance of the offence under Section 436 of IPC was taken. The petitioner denied the charges and claimed to be tried. The prosecution examined as many as 14 witnesses and marked Ex.P1 to Ex.P5. M.O.1 to M.O.4 were also marked. On the side of the accused, no evidence was adduced. The learned trial Magistrate, by Judgment dated 21.06.2012, found the petitioner guilty of the offence under Section 436 of IPC and sentenced him to three years rigorous imprisonment. A sum of Rs.1000/- was also levied as fine. The same was confirmed as such by the Appellate Court in Criminal Appeal No.25 of 2012 on the file of the Additional District and Sessions Judge, Pudukkottai on 21.12.2012. Questioning the same, this criminal revision case has been filed.

2.When the matter was taken up for hearing, the petitioner's counsel submitted that the petitioner would not challenge the finding of guilt, but pleaded for leniency in the matter of sentence. The petitioner was in prison for about 51 days. The occurrence had taken place more than 10 years ago. The petitioner has not come under adverse notice thereafter. He is ready to deposit a sum of Rs.25,000/- to the credit of the trial Court so that, it can be paid as compensation to the affected party.

3.Taking note of these aspects, this Court, even while confirming the conviction imposed on the petitioner, sets aside the fine levied on him and reduces the period of imprisonment to the period already undergone by him. The petitioner's counsel states that he will not apply for refund of the fine amount. The petitioner shall deposit a sum of Rs.25,000/- to the credit of S.C.No.64 of 2011 on the file of the Chief Judicial Magistrate, Pudukkottai, 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 petitioner to do so, he will have to undergo six months simple imprisonment as default sentence.

4.With this modification, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To



2.The Principal District and Sessions Judge, Pudukkottai

3.The Judicial Magistrate, Thirumayam

4.The Chief Judicial Magistrate, Pudukkottai.

5.The Inspector of Police, Thirumayam Circle,
Pudukkottai District.

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

Copy to:

The Section Officer, (2 Copies)
Criminal Section (Records)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-72626[F] dated 02/07/2019

Cr1.R.C(MD)No.269 of 2013
01.07.2019

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JMN(30.08.2019) 3P : 10C