

**Bail Slip**

The Criminal Revision Petitioner/Accused in Crl RC(MD) No.402/2013 was directed to be released on bail by the Order of this Hon'ble Court dated 25.04.2013 passed in MP(MD)No.1/2013 in Crl RC(MD)No.402/2013.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL RC(MD)No.402 of 2013

Arumugam

... Petitioner/ Appellant/ Sole Accused

Vs.

State,
rep.by the Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
(Crime No.265/2009)

... Respondent / Respondent/Complainant

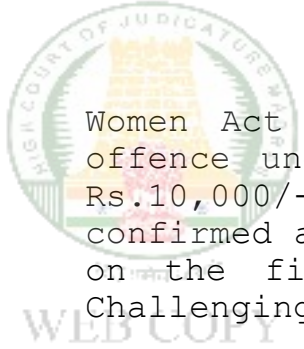
Prayer : This Criminal Revision Case is filed under Section 397 r/w 401 of Cr.P.C. to call for the records of the learned IV Additional Sessions Judge, Tirunelveli in Crl.A.No.155 of 2011 by judgment dated 05.12.2012, confirming the conviction and sentence imposed by the learned Judicial Magistrate, Ambasamudram in C.C No.23 of 2010 by the judgment dated 12.10.2011 and set aside the judgments of the court below and acquit the petitioner.

For Petitioner : Mr.S.R.A.Ramachandhran
For Respondent : Mrs.S.Bharathi,
Government Advocate (crl.side)

ORDER

The revision petitioner is a married man. But, he cast his eyes on P.W.1 and misbehaved with her and he had assaulted her on 07.11.2009 at about 05.00 P.M in remote place. Therefore, P.W.1 lodged Ex.P.1 complaint before the Inspector of Police, Kadayam Police Station. The police took investigation and filed final report before the Judicial Magistrate, Ambasamudram, Tirunelveli District. The learned Trial Magistrate took cognizance of the offence under Sections 341 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in C.C No.23 of 2010.

2.The revision petitioner denied the charges and claimed to be tried. The prosecution examined 8 witnesses and marked Exs.P1 to P5. The accused did not adduce any evidence. The learned Trial Judge by judgment dated 12.10.2011 found the revision petitioner guilty and sentenced him to undergo one year rigorous imprisonment for the offence under Section 4 of Tamil Nadu Prohibition of Harassment of



Women Act and to undergo one week rigorous imprisonment for the offence under Section 341 of IPC and also levied with a fine of Rs.10,000/-. The said judgment passed by the trial magistrate was confirmed as such by the first appellate court in C.A No.155 of 2011 on the file of the IV Additional Sessions Judge, Tirunelveli. Challenging the same, this criminal revision case has been filed.

3. When the matter was taken up for hearing, the learned counsel appearing for the revision petitioner submitted that having regard to the evidence on record, he would not question the finding of guilt arrived at by the courts below and that he would be satisfied if some indulgence is shown in the matter of punishment.

4. I find the said request to be reasonable. The occurrence in question had taken place on 07.11.2009. More than 9 years have gone by. The revision petitioner had not come under any adverse notice thereafter. The revision petitioner is also willing to pay a sum of Rs.20,000/- as compensation. He was in prison for about 12 days.

5. Taking note of the mitigating circumstances, the sentence of imprisonment imposed on the revision petitioner is reduced to the period already undergone. The conviction and fine imposed on the petitioner is confirmed and the sentence of imprisonment alone is set aside. The petitioner is directed to deposit a sum of Rs.20,000/- to the credit of C.C No.23 of 2010 on the file of the learned Judicial Magistrate, Ambasamudram within a period of six weeks from the date of receipt of a copy of this order. Upon such deposit, the learned trial magistrate shall take steps to have the same handed over to the defacto complainant. If the petitioner fails to do so, he will have to undergo default sentence of three months simple imprisonment.

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

Sd/-

Assistant Registrar (writs)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

2. IV Additional Sessions Judge,
Tirunelveli.



3. The Judicial Magistrate,
Ambasamudram.

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

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+1 CC to Mr.S.R.A.RAMACHANDHRAN, Advocate (SR-72608[F] dated
02/07/2019)

CRL RC(MD) No.402 of 2013
01.07.2019

skm

MK (26.08.2019) 3P 6C