

**BAIL SLIP**

Revision Petitioner/Accused viz., Murugan was already released on bail vide this Court Order dated 29.04.13 in MP(MD)No.1/13 in CrI.R.C(MD)No.430/13.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C(MD)No.430 of 2013

Murugan

... Petitioner

Vs

State represented by,
The Sub Inspector of Police,
Watrap Police Station,
Virudhunagar District.
(Crime No.204 of 2007)

... Respondent

PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records in C.A.No.171 of 2007 on the file of the Principal Sessions Court, Virudhunagar District at Srivilliputhur dated 12.02.2013 as modify the conviction and sentence in C.C.No.35 of 2007 on the file of the Judicial Magistrate No.1, Srivilliputhur, dated 16.07.2007 set aside the same.

For Petitioner : Mr.C.Mayil Vahana Rajendran

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

**ORDER**

The petitioner had misbehaved with the victim women on 28.05.2007 at about 02.00 a.m., In this regard, Crime No.204 of 2007 was registered on the file of the Sub Inspector of Police, Watrap Police Station. Investigation was undertaken and final report came to be filed against the petitioner for the offences under Section 354 of IPC and Section (4) of Tamil Nadu Prohibition of Harassment of Women Act. The petitioner denied the charges and claimed to be tried. The prosecution examined as many as six witnesses and marked Ex.P1 to Ex.P4. On the side of the accused, no evidence was adduced. The learned trial Magistrate, by Judgment dated 16.07.2006 in C.C.No.35 of 2007 on the file of the Judicial Magistrate No.1, Srivilliputhur, found the petitioner guilty of the offences with which he was charged and sentenced him to undergo one year rigorous imprisonment and also levied with fine of Rs.1000/- for each offence. Aggrieved by the same, the petitioner filed Criminal Appeal No.171 of 2007 before the learned Principal Sessions Court, Virudhunagar District, Srivilliputhur. By Judgment dated 12.02.2013, the Appellate Court sustained the conviction and sentenced only in respect of Section 354 of IPC and acquitted the accused in respect of the offence under Section 4 of Tamilnadu Prohibition of Harassment of Women Act. Challenging the same, this criminal revision case has been filed.

2.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 be in a position to challenge the finding of guilt. This is because, P.W.1-Manickam had categorically spoken about the indecent acts committed by the petitioner herein. The mother of the victim-P.W.2-Parvathiyammal, had also corroborated the testimony of P.W.1. The Courts below have believed the said testimonies and found the petitioner guilty.

3.In these circumstances, the conviction imposed on the petitioner under Section 354 of IPC is sustained. At this stage, the petitioner's counsel submitted that the offence in question took place more than 12 years ago and that, therefore, it would be highly inequitable, if the petitioner is sent back to prison. He came forward to deposit a sum of Rs.10,000/- as compensation to the credit of C.C.No.35 of 2007 on the file of the Judicial Magistrate No.1, Srivilliputhur. Taking note of the undertaking given by the petitioner through his counsel, this Court reduces the sentence of imprisonment imposed on the petitioner to the period already undergone. The petitioner shall appear before the Judicial Magistrate No.1, Srivilliputhur, within a period of four weeks from the date of receipt of a copy of this order and not only deposit a sum of Rs.10,000/- as compensation, but also execute an affidavit expressing his sense of shame, remorse and regret for the crime which has been committed. The learned trial Magistrate, while discharging the compensation amount to the victim (P.W.1) shall hand over the copy of the affidavit of apology along with the amount of



Rs.10,000/- . If the petitioner fails to deposit the compensation amount along with the affidavit of apology, the sentence of imprisonment passed by the trial Court will automatically be restored.

4. With this modification in the matter of sentence, this criminal revision case is partly allowed.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar (CS-)

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To

1. The Principal Sessions Court,
Virudhunagar District,
Srivilliputhur.

2. The Judicial Magistrate No.I, Srivilliputhur.

3. The Sub Inspector of Police,
Watrap Police Station,
Virudhunagar District.

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

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate
(SR-73078[F] dated 03/07/2019)

Cr1.R.C (MD) No.430 of 2013
03.07.2019

ES/18.07.2019/3P/6C