



BAIL SLIP

The Petitioner/Sole Accused namely P.Thangavelu, S/o.Pitchai was released on bail by this Hon'ble Court vide order made in Crl MP No.1 of 2013 in Crl RC 442 of 2013 dated 29.04.2013.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCrl.R.C. (MD) No.442 of 2013

P.Thangavelu

.. Petitioner/
Sole Accused

Vs.

The State of Tamil Nadu,
Rep. by,
The Inspector of Police,
Town Police Station,
Aruppukottai,
Virudhunagar District.
(Crime No.237 of 2007)

.. Respondent/Complainant

Prayer : This Criminal Revision petition is filed under Sections 397 r/w 401 and 482 of Cr.P.C., to call for the records in Judgment in C.A.No.13 of 2009 on the file of the learned Principal Sessions Judge, Virudhunagar at Srivilliputhur, dated 28.03.2013 modifying the order of conviction passed by the learned Judicial Magistrate, Aruppukottai in C.C.No.191 of 2007, dated 21.01.2009 under Section 353 of I.P.C. and set aside the same and consequently acquit the Revision petitioner.

For Petitioner : Mr.T.Lajapathi Roy

For Respondent : M/s.S.Bharathi,
Government Advocate
(Criminal Side).

ORDER

The petitioner was found guilty of the offence under Section 353 of I.P.C. and sentenced to undergo 1 year Simple Imprisonment and levied with a fine of Rs.2,000/-, in default, he was sentenced to three months Simple Imprisonment, vide Judgment dated 21.01.2009 in C.C.No.191 of 2007 on the file of the learned Judicial Magistrate, Aruppukottai. Questioning the same, he filed C.A.No.13 of 2009 before the learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur. By Judgment dated 28.03.2013, the appellate Court sustained the conviction against the petitioner, but



modified and reduced the sentence from 1 year Simple Imprisonment to 3 months Simple Imprisonment. The sentence of fine imposed on the petitioner was also sustained. Challenging the same, this Criminal Revision has been filed.

2. When the matter was taken up for hearing, the petitioner's counsel submitted that having regard to the evidence on record, he will not be in a position to challenge the finding of guilt. He only pleaded for reduction in the matter of sentence. He pointed out that the petitioner no doubt restrained the Court Ameen in the discharge of his duties. But then, that was because the subject matter of the Execution proceedings was the petitioner's dwelling house and that is why out of a sudden provocation, he had committed the offence in question.

3. The learned counsel appearing for the Revision petitioner drew my attention to the fact that there was no injury to the Court Ameen. More than anything else, the petitioner was in prison for about 20 days. The petitioner is now aged about 62 years.

4. Taking note of these mitigating aspects, I am of the view that interest of justice will be served by sustaining the conviction and reducing the sentence of imprisonment from three months Simple Imprisonment to the period already undergone by him.

5. With this modification, the Criminal Revision stands partly allowed. No costs.

Sd/-

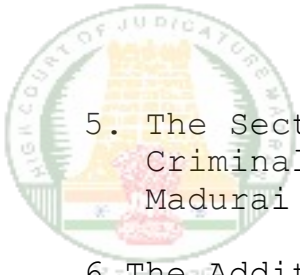
Assistant Registrar (AD II)

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Sub Assistant Registrar (CS)

To

1. The Principal Sessions Judge,
Virudhunagar at Srivilliputhur.
2. The Judicial Magistrate,
Aruppukottai.
3. The Chief Judicial Magistrate,
Virudhunagar at Srivilliputhur.
4. The Inspector of Police,
Town Police Station,
Virudhunagar District.



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

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-73790[F] dated
05/07/2019)

Crl. R.C.(MD)No.442 of 2013
04.07.2019

_KK/SAR/20.08.2019/3P-9C/