

**Bail Slip**

The Petitioners/Accused Nos.2,3 and 6 namely 1.Singam, S/o.Mahalinga Nadar, 2.Vickramathithan, S/o.Mahalinga Nadar, 3.Vayanaperumal, S/o.Lakshmana Nadar were released on bail as per the order of this Court dated 30/04/2013 in MP(MD).No.1 of 2013, in Crl. RC(MD).No.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.446 of 2013

1.Singam

2.Vickramathithan

3.Vayanaperumal

... Petitioners/ Appellants
/ Accused Nos.2, 3 and 6

Vs.

State rep.by the Inspector of Police,
Radhapuram Police Station,
Cr.No.86 of 2007,
Tirunelveli District.

... Respondent / Respondent
/ Complainant

Prayer : This Criminal Revision Case is filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records from the lower courts and to duly set aside the judgment passed by the III Additional Sessions Judge, Tirunelveli, Tirunelveli District in C.A No.75 of 2010 dated 21.02.2013 in confirming the conviction of Assistant Sessions Judge, Valliyoor, Tirunelveli District in S.C No.478 of 2007 dated 15.04.2010.

For Petitioners : Mr.K.Prabhu

For Respondent : Mrs.S.Bharathi,

Government Advocate (crl.side)

ORDER

One Aadhinarayanan was attacked on 19.06.2007 at about 09.00 A.M at Kumbilampaadu Village. In this regard, Crime No.86 of 2007 was registered on the file of the Radhapuram Police Station. Investigation was taken up and final report came to be filed against six persons namely Singam and others. The learned Judicial Magistrate, Valliyoor took cognizance of the offences under Sections 147, 148, 341 and 294(B) IPC and the case was committed to the Sessions Court in S.C No.478 of 2007 and made



over to the Assistant Sessions Judge, Valliyoor, Tirunelveli District. The accused denied the charges framed against them and claimed to be tried. The prosecution examined 14 witnesses and marked 20 documents and M.O.1 to M.O.11 were marked. On the side of the accused, no evidence was adduced.

2.The learned Trial Judge by judgment dated 15.04.2010 acquitted A1 and A4 and A5 and convicted the petitioners herein/Accused 2, 3 and 6 for the offence under Section 307 of IPC and sentenced them to undergo two years rigorous imprisonment and levied a fine of Rs.2,000/-. Questioning the same, the revision petitioners herein filed Crl.A.No.75 of 2010 before the III Additional Sessions Judge, Tirunelveli. By judgment dated 21.02.2013, the appellate court dismissed the criminal appeal and confirmed the judgment passed by the learned Trial Judge. Challenging the same, this criminal appeal has been filed.

3.When the matter was taken up for hearing, the learned counsel appearing for the revision petitioners submitted that having regard to the evidence on record, he would not question the finding of guilt rendered by the courts below and that he would be satisfied if some leniency is shown in the matter of punishment. In this case, P.W.1 Aadhinakaran had suffered as many as 7 injuries. However, the learned counsel for the petitioners submitted that in view of the lapse of time, this Court can set aside the sentence of imprisonment imposed on them and that the petitioners can be directed to deposit a sum of Rs.10,000/- each towards compensation to the injured victim.

4.I find the said request to be reasonable. Therefore, even while sustaining the conviction imposed on the revision petitioners, this Court sets aside the sentence of imprisonment imposed on them. The petitioners' counsel submitted that the revision petitioners will not apply for refund of the fine amount. Recording the submission of the learned counsel for the petitioners, this Court directs the revision petitioners to deposit a sum of Rs.10,000/- each to the credit of S.C No.478 of 2007 towards compensation on the file of the learned Assistant Sessions Judge, Valliyoor within a period of six weeks from the date of receipt of a copy of this order. The same shall be disbursed by the trial court to P.W.1. Failing which, the petitioners will have to undergo default sentence of six months rigorous imprisonment.

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

Sd/-

Assistant Registrar

// True Copy //



To

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

2.The III Additional Sessions Judge,
Tirunelvel, Tirunelveli District.

3.The Assistant Sessions Judge,
Valliyoore, Tirunelveli District.

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

5.The Principal Sessions Judge, Tirunelveli.

6.The Superintendent of Police, Tirunelvel.

7.The Section Officer, Criminal Section,
Madurai Bench of Madras High Court, Madurai. (2 copies)

+1 CC to Mr.K.PRABHU, Advocate (SR-72697[F] dated 02/07/2019)

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01.07.2019

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