



BAIL SLIP

The Petitioner namely Boopathy, was released on bail by this Hon'ble Court made in MP(MD)No.1/2013 in CRL RC(MD)No.502/2013 dated 25.07.2013.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN****Cr1.R.C(MD) .No.502 of 2013**

Boopathy

... Petitioner/Appellant/
Sole Accused

Vs.,

State rep., by
The Sub-Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
Crime No.677 of 2004

... Respondent/Respondent/
Complainant

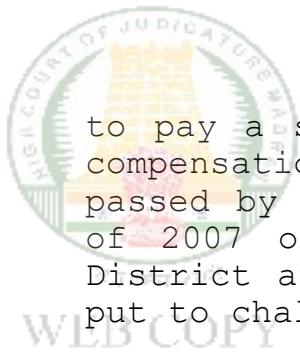
PRAYER: Petition filed under Section 397 r/w 401 Code of Criminal Procedure, to call for the records relating to the case in Cr1.A.No.5 of 2007 on the file of the Courts of Sessions, Kanyakumari Division at Nagercoil and allowing this revision petition by setting aside the conviction and sentence passed against this revision petitioner by the learned Judicial Magistrate No.III, Nagercoil in C.C.No.148 of 2005 dated 15.12.2006 confirmed in Cr1.A.No.5 of 2007 dated 01.04.2013 on the file of the Court of Sessions, Kanyakumari Division at Nagercoil.

For Petitioner	: Mr.M.Suri
For Respondent	: Mr.S.Bharathi
	Government Advocate (crl.side)

ORDER

Heard the learned counsel on either side.

2.The revision petitioner is said to have received a sum of Rs.80,000/- (Rupees Eighty Thousand only) from the defacto complainant by promising him that she would get him job abroad. But the representation made by the petitioner was not fulfilled. Hence, Crime No.677 of 2004 was registered on the file of the Sub-Inspector of Police, Anjugramam Police Station. The case was investigated and final report was laid and that was taken on file as C.C.No.148 of 2005 on the file of the learned Judicial Magistrate Court No.III, Nagercoil. The learned trial Magistrate by judgment dated 15.12.2006 found the petitioner guilty of the offence under Section 420 as well as 406 IPC. She was sentenced to one year and three years rigorous imprisonment respectively and she was also directed



to pay a sum of Rs.80,000/- (Rupees Eighty Thousand only) towards compensation, default sentence was also imposed. The said judgment passed by the learned trial Magistrate was confirmed in CrI.A.No.5 of 2007 on the file of the learned Sessions Judge, Kanyakumari District at Nagercoil vide judgment dated 01.04.2013. The same is put to challenge in the revision case.

3. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that he is not seriously contesting the finding of guilt against the revision petitioner herein. He further submitted that the petitioner has already deposited the entire compensation of Rs.80,000/- (Rupees Eighty Thousand only).

4. Recording the said submission made by the learned counsel appearing for the petitioner, this Court while sustaining the conviction rendered in the impugned judgments, sets aside the punishment of imprisonment imposed on the petitioner. The direction to pay the compensation is affirmed. Since the petitioner has already deposited the entire compensation of Rs..80,000/- (Rupees Eighty Thousand only), the defacto complainant namely Karuppaiah/P.W.1 is permitted to withdraw the said amount by making a proper application before the learned trial Magistrate.

5. In view of the above, the judgments of the Courts below are modified and this Criminal Revision Petition is accordingly partly allowed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

rmk

To

1. The Sessions Judge, Kanyakumari Division,
at Nagercoil.
2. The Judicial Magistrate No.III, Nagercoil.
3. The Sub-Inspector of Police,
Anjugramam Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



5.The Superintendent of Police,
Kanniyakumari District.

+1 CC to M/s.M.SURI, Advocate (SR-68520[F] dated 13/06/2019)

Cr1.R.C(MD).No.502 of 2013

13.06.2019

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