

**BAIL SLIP**

1.Sasi, S/o.Rathnagiri, M-27 years, 2.Kathirvel, S/o.Chinnandi, M-27 years Accused 1 and 2 were released on bail vide order of this Court dated 03.01.2014 made in MP(MD)No.1 of 2013 in CrI.RC(MD)No.708/2013.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.R.C(MD)No.708 of 2013

1.Sasi

2.Kathirvel

...Petitioners/Appellants/Accused Nos.1&2

Vs

State through

The Inspector of Police,
Kulithalai Police Station,
Karur District.

In Crime No.380 of 2010

...Respondent/Respondent/Complainant

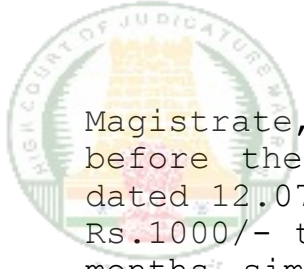
PRAYER: Petition filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the Judgment in C.C.No.100 of 2010 on the file of the learned Judicial Magistrate No.II, Kulithalai, Karur District by convicting the petitioner by an order dated 12.10.2011 and the same was confirmed by the learned Principal Sessions Judge, Karur District in C.A.No.62 of 2011, dated 12.07.2013 and set aside the same by acquitting the petitioners/Appellants/Accused Nos.1 and 2.

For Petitioners : Mr.M.Karunanithi for
M/s.K.J.Associates

For Respondent : Mr.A.Robinson
Government Advocate (CrI.side)

ORDER

The petitioners along with three more persons faced trial in C.C.No.100 of 2010 on the file of the Judicial Magistrate No.II, Kulithalai. They were charged with the offences under Sections 147, 294(b), 323, 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 1988. The petitioners were found guilty of the offence under Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 1988. They were acquitted in respect of the other offences. They were sentenced to six months simple imprisonment and levied with fine of Rs.1000/-. Questioning the said Judgment dated 12.10.2011 passed by the learned trial



Magistrate, the petitioners filed Criminal Appeal No.62 of 2011 before the learned Principal Sessions Judge, Karur. By Judgment dated 12.07.2013, the learned Appellate Court enhanced the fine from Rs.1000/- to Rs.10,000/-. The conviction as well as sentence of six months simple imprisonment was confirmed. Questioning the same, this criminal revision case has been filed.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner submitted that having regard to the evidence on record, he will not be in a position to contest the finding of guilt. He also submitted that more than nine years have lapsed, since the occurrence had taken place and that, the petitioners have not come under adverse notice thereafter.

3. Taking note of these mitigating aspects, this Court, even while confirming the conviction imposed on the petitioners and also the levy of fine Rs.10,000/-, sets aside the sentence of imprisonment imposed on them. It appears that the petitioners have not remitted the balance fine amount of Rs.9,000/- each. If that be so, the petitioners shall remit the balance amount of Rs.9,000/- each, within a period of four weeks from the date of receipt of a copy of this order. At the time of remitting the fine amount, the petitioner shall also file an affidavit of apology expressing their remorse, regret and sense of shame and convey their apology to the victim. An affidavit to be filed by the petitioners shall be taken on record by the learned trial Magistrate. If the petitioners fail to remit the fine amount as now mentioned within the time stipulated above, the sentence imposed by the learned Appellate Court will stand automatically restored. If the petitioners have already remitted the fine amount of Rs.10,000/-, the petitioners only need to file apology alone before the trial Magistrate.

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

Sd/-

Assistant Registrar (CSIII)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Sessions Judge, Karur District.
2. The Judicial Magistrate No.II, Kulithalai, Karur District.
3. The Inspector of Police, Kulithalai Police Station, Karur District.
4. The Additional Public Prosecutor

Madurai Bench of Madras High Court, Madurai
+One cc to Mr.M.Karunanidhi, Advocate, SR.No.72880