

Crl.A.No.461 of 2010

M.NIRMAL KUMAR,J.

In compliance with the order of this Court dated 26.02.2020, the respondent Nos.1 and 2/Accused appeared before this Court. This Court having found A1 and A2 guilty under Sections 341, 323, 392 and 506 (ii) of the Indian Penal Code. Questioned A1 and A2 as regards sentence.

2.When A1 was questioned with regard to the quantum of sentence, he submitted that it is a false case and due to the above case he had been denied promotion and he is having nine more years of service. He got a daughter aged 13 years studying VIII Standard and a son aged 11 years studying VI Standard. He has got aged parents in the age of 80's to be taken care of. He would loose his job, earning and his family future would be jeopardized. He is residing in a rental house and having aged related diseases and pleaded leniency.

3.When A2 was questioned with regard to the quantum of sentence, he submitted that he retired from service three years back and living with his wife and his son and daughter got married and living

elsewhere, no one to take care of his wife and he is suffering from various health ailments and seeks leniency.

4.Considering the aggravating and mitigating circumstances and the statement made by the respondent Nos.1 and 2/accused when they were questioned for quantum of punishment, further the appeal is of the year 2010, this Court deems it fit to convict the accused viz., A1 and A2 as follows:

- (i) To undergo one month Simple Imprisonment for the offence under Section 341 IPC;
- (ii) To undergo six months Simple Imprisonment for the offence under Section 323 IPC;
- (iii) To undergo one year Rigorous Imprisonment and to pay a fine of Rs.5,000/- (Rupees Five Thousand only) each for the offence under Section 392 IPC, in default to undergo three months Simple Imprisonment. The fine amount shall be remitted before the Registry of this Court; and
- (iv) To undergo one year Rigorous Imprisonment for the offence under Section 506(ii) IPC.

5.All the sentences are to run concurrently. The period already undergone by the respondent Nos.1 and 2/accused during the trial is to be set off under Section 428 of the Code of Criminal Procedure. The respondent Nos.1 and 2/accused to serve the remaining portion of the sentence.

6.In the result, this Criminal Appeal is partly allowed. No costs.

13.03.2020

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Note:

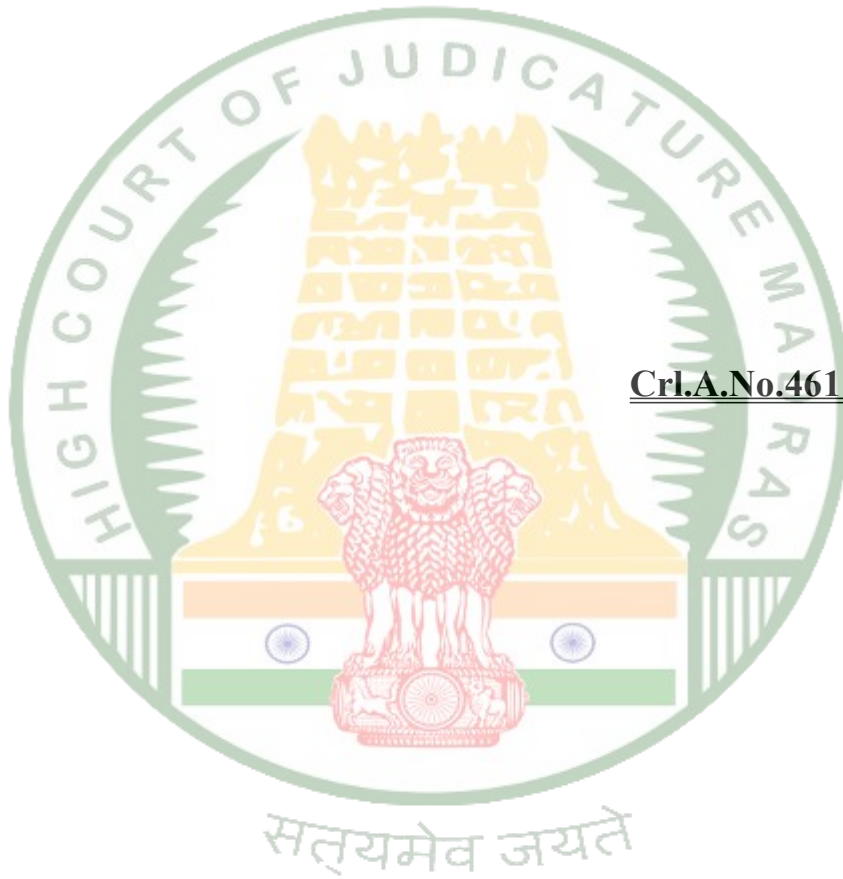
- (i) Registry is directed to issue copy of the Judgement to the accused at free of cost by today itself (i.e., on 13.03.2020)
- (ii) Registry is directed to issue necessary warrant to commit the accused into Central Prison, Puzhal.

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