



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twenty Third day of January Two Thousand Twenty

PRESENT

WEB COPY

The Hon'ble Mr.Justice T.RAJA
and
The Hon'ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.348 of 2020
IN
CRL A(MD) No.153 of 2015

SAKKANAN @ THUNDU SAKKANAN ... PETITIONER/APPELLANT/ACCUSED

Vs

THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
(CRIME NO.20 OF 2011)

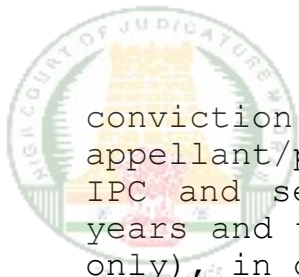
... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to modify the fine amount Rs.75,000/- (Rupees Seventy Five Thousand only) in default to undergo Rigorous Imprisonment for one year imposed by this Hon'ble Court in Crl.A.No.153 of 2015 dated 23.09.2016.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S. T.R. SUBRAMANIAN, Advocate for the petitioner and of on behalf of the Respondents the court made the following order:-

[Order of the Court was delivered by T.RAJA, J.]

The appellant/petitioner herein is the sole accused in S.C.No.9 of 2012 on the file of the learned Additional Sessions Judge, Theni @ Periyakulam. He stood charged for the offence punishable under Section 302 IPC. The trial Court, by Judgment dated 30.03.2015, convicted the appellant/petitioner under Section 302 IPC and sentenced to undergo imprisonment for life and to pay a fine of Rs.5,000/-, in default, to undergo rigorous imprisonment for six months. Aggrieved over the same, the appellant/petitioner filed an appeal in Crl.A.No.153 of 2015 and this Court, by Judgment dated 23.09.2016, allowed the appeal in part, by setting aside the



conviction and sentence imposed by the trial Court on the appellant/petitioner and convicted the accused under Section 304(i) IPC and sentenced him to undergo rigorous imprisonment for seven years and to pay a fine of Rs.75,000/- (Rupees seventy five thousand only), in default to undergo rigorous imprisonment for one year.

WEB COPY 2. Learned counsel appearing for the appellant/petitioner submitted that the appellant/petitioner herein is in Central Prison, Madurai, nearly about five years. As the appellant/petitioner herein was not having any helping hand, he was unable to mobilize the fine amount of Rs.75,000/-. Therefore, the appellant/petitioner herein has filed this petition to modify the fine amount as imposed by this Court. The learned counsel further submitted that the victim may seek compensation as per the Victim Compensation Act 2005.

3. Opposing the same, the learned Additional Public Prosecutor submitted that this Court allowed the appeal on 23.09.2016. But, the petitioner herein has moved this petition belatedly, by saying the reason that he was not able to mobilize the fine amount. The reason stated by the petitioner cannot be sustained. Therefore, the petition is liable to be dismissed.

4. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

5. We have also seen the reasoning given by this Court in its order dated 23.09.2016. This Court, while modifying the life sentence into one of seven years Rigorous Imprisonment under Section 304(i) of IPC and to pay the fine of Rs.75,000/-, in default to undergo Rigorous Imprisonment for one year, made it clear that the occurrence was not premeditated one and at the same time, the plight of P.W.1, who lost her husband during the time of pregnant, cannot be ignored and also by taking note of all the facts and circumstances of the case, modified the life sentence into one of seven years Rigorous Imprisonment with fine of Rs.75,000/-, in default, to undergo Rigorous Imprisonment for one year.

6. We are unable to differ from the conclusion reached by this Court. Therefore, the application fails and the same is dismissed.

sd/-
23/01/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE ADDITIONAL SESSIONS JUDGE,
THENI @ PERIYAKULAM.
2. THE JUDICIAL MAGISTRATE, THENI.
3. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ANDIPATTI.
4. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
5. THE DISTRICT COLLECTOR, THENI.
6. THE COMMISSIONER OF POLICE, THENI.
7. THE DIRECTOR GENERAL OF POLICE, THENI.
8. THE SUPERINTENDENT OF CENTRAL PRISON, MADURAI.
9. THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
10. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.T.R.SUBRAMANIAN, Advocate (SR-1239[I] dated 23/01/2020)

ORDER
IN
CRL MP(MD) No.348 of 2020
IN
CRL A(MD) No.153 of 2015
Date :23/01/2020

AGY
TE/JC/SAR-II : 04/02/2020 : 3P/12C