



Bail Slip

Appellant / Sole Accused namely Sudalaikumar, S/o. Narayanan, aged about 34 years was released on bail vide order made in MP.No.1/2015 in Crl.A. (MD) No. 347 of 2015.

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE **B. PUGALENDHI**

Crl.A. (MD) No. 347 of 2015

Sudalaikumar : Appellant/Sole Accused
Vs.

State rep. by
The Inspector of Police,
Seidhungnallur Police Station,
Thoothukudi District.
Cr.No.190 of 2011

: Respondent/Complainant

PRAYER: Appeal filed under Section 374(2) of the Criminal Procedure Code to call for the records in connection with the judgment of conviction and sentence passed by the Mahalir Neethimandram (Fast Track Mahila Court), Thoothukudi, in S.C.No.109 of 2015, dated 29.10.2015 and set aside the same.

For Appellant : Mr.T.Lenin Kumar
For Respondent : Mr.A.Robinson,
Government Advocate (Crl. Side)

JUDGMENT

The appellant was tried by the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thoothukudi, in S.C.No.109 of 2015, for the offence under Sections 294(b), 324, 307 (2 counts) & 506(ii) IPC. The trial Court, by judgment dated 29.10.2015, though found this appellant not guilty for the offence under Sections 307 (2 counts) and 506(ii) IPC, found him guilty for the offence under Sections 294(b), 324 (3 counts) IPC, convicted and sentenced him to pay a fine of Rs.1000/-, in default, to undergo simple imprisonment for one week for the offence under Section 294(b) IPC; and to undergo rigorous imprisonment for one year (each count), with a fine of Rs.2000/- (each count), in default, to undergo rigorous imprisonment for one month for the offence under Section 324 IPC (3 counts). The appellant / accused paid the fine amount and filed this appeal on various grounds.

2. When the appeal was taken up for hearing in the earlier occasion, the learned Counsel for the appellant submitted that the occurrence was taken place between the neighbors, who also happen to be relatives, in cleaning the drainage water and pending this appeal, the accused and the victim have solved their differences amicably and filed a joint compromise memo before this Court dated 21.07.2020, signed by both the parties. The appellant was found



guilty for the offence under Section 324 IPC, which is not a compoundable offence. However, this Court directed the learned Government Advocate (CrI. Side) to verify whether any compromise has been arrived between the parties.

3. The learned Government Advocate (CrI. Side) has verified the same through the respondent Police and the respondent Police have also recorded the statements; collected the identification proofs and based on these statements and identification proofs, the learned Government Advocate (CrI. Side) has affirmed the compromise arrived between the parties.

4. Insofar as the offence under Section 324 IPC (3 counts) is concerned, the appellant was sentenced to undergo rigorous imprisonment for one year (each count) and to pay a fine of Rs.2000/- (each count), in default, to undergo rigorous imprisonment for one month. The appellant / accused has also paid the fine amount. It is also reported by the learned Counsel for the appellant that the appellant has already undergone incarceration of 75 days in the prison. This fact has also been verified and affirmed by the learned Government Advocate (CrI. Side).

5. In view of the subsequent developments and the compromise arrived between the parties; and considering the nature of offence and that the offence took place on account of a sudden quarrel between the neighbors, who also happen to be relatives, on cleaning of a drainage, this Court, while confirming the conviction, is inclined to modify the sentence of imprisonment to the period already undergone by the appellant / accused.

6. Accordingly, the conviction ordered by the learned Sessions Judge, Mahalir Neethimandram, Fast Track Mahila Court, Thoothukudi, in S.C.No.109 of 2015, dated 29.10.2015, is confirmed, however, the sentence as regards the offence under Section 324 (3 counts) IPC is modified to that of the period already undergone by the appellant / accused. The fine amount as well as default clause imposed by the trial Court remain unaltered.

In fine, this Criminal Appeal is partly allowed.

Sd/-

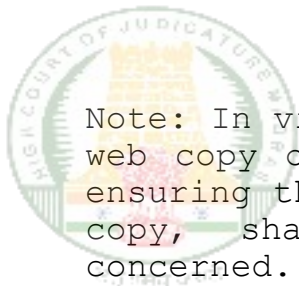
Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

1. The Sessions Judge,
Mahalir Neethimandram,
Fast Track Mahila Court,
Thoothukudi.
2. The Inspector of Police,
Seidhungnallur Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
4. The Record Keeper / Section Officer,
Criminal Section, (2 COPIES)
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T. LENIN KUMAR, Advocate (SR-13266[F] dated 28/07/2020

Crl.A. (MD) No. 347 of 2015
27.07.2020

SMA/06/08/2020/3P/7C