



BAIL SLIP

The Appellant / Sole Accused in Crl.A(MD)No.320/2014 namely Arockiyam, Male Aged 38 years, son of Gnana Michael Nadar was directed to be enlarged on bail vide order of this Hon'ble Court dated 16.12.2014 passed in MP(MD)No.1 of 2014 in Crl.A(MD)No.320 of 2014.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2020

CORAM:

THE HONOURABLE Mr.JUSTICE M.NIRMAL KUMAR

Crl.A(MD)No.320 of 2014

Arockiyam ... Appellant / Accused (single)

Vs.

1.The State rep. by

The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District
(Crime No.3 of 2010)

... Respondent / Complainant

PRAYER: Appeal is filed under Section 374 of Criminal Procedure Code, against the Judgment and Conviction rendered by the learned Sessions Judge, Mahila Court, Tirunelveli, Tirunelveli District in S.C.No.200 of 2011, dated 02.12.2014.

For Appellant : Mr.R.Anand
For Respondent : Mr.M.Chandrasekaran
Addl.Public Prosecutor

JUDGMENT

This Criminal Appeal is filed by the Appellant / Sole Accused, against the Judgment and Conviction rendered by the learned Sessions Judge, Mahila Court, Tirunelveli, Tirunelveli District in S.C.No.200 of 2011, dated 02.12.2014, convicting the appellant for the offence under Section 417 of I.P.C., and sentenced him to undergo one year R.I. and to pay a fine of Rs.1000/-, in default, to undergo two months R.I.

2. The facts of the case are briefly stated hereunder:-

The appellant / accused, on the false promise to marry the defacto complainant, had physical contact with her on several occasions. When the defacto complainant demanded to marry her, the accused refused to marry and also threatened her. The incident came to light only after other members of her house came to know that she is pregnant and thereafter, a complaint was filed. Based on the

<https://hcservices.eprints.uj.ac.in/hcservices/>

complaint registered by the respondent Police, registered the case, conducted



investigation and filed the charge sheet for the offences under Sections 376, 417 and 506(ii) of IPC.,

3. Before the trial Court, in order to substantiate its case, the prosecution examined P.Ws.1 to 18 and marked Exs.P1 to P8. On the side of the accused, no witness was examined nor any document was marked.

4. The learned trial Judge, on completing the trial and considering the oral and documentary evidence and upon hearing both sides, acquitted the accused for the offence under Sections 376 and 506(ii) IPC., and convicted and sentenced the accused only in respect of the offence under Section 417 of IPC. Aggrieved over the Judgment and conviction, the appellant / accused preferred the present Criminal Appeal.

5. When the appeal is taken up for hearing, the learned counsel appearing for the appellant and the learned counsel appearing for the defacto complainant submitted that the matter has been settled between appellant and the defacto complainant amicably and they have also filed a 'Joint Compromise Memo', dated 30.01.2020, to that effect.

6. The Court heard the learned counsels appearing on either side, along with the appellant and the defacto complainant, who are present before this Court.

7. It is seen that the defacto complainant is a major, she and the appellant were in love with each other. She appears to be a person to understand the happenings and the consequences, knowingly she had been in physical relationship with the appellant on several occasions. She categorically states that only at the instance of her junior father, she had lodged a complaint otherwise she would not have done so and her act itself is consensual act. Considering these aspects, the trial Court had acquitted the appellant from all charges and convicted him only for the offence under Section 417 IPC. No appeal had been preferred by the State or P.W.1 for the acquittal charges.

8. During the pendency of the appeal, P.W.1 / victim had appeared before this Court and expressed that she is willing to compound the offence with the appellant. A memo to that effect has been filed. She had reiterated before this Court that her act was only voluntary and she is inclined and willing to compound the offence.

9. Under the circumstances, permission is granted to compound the offence under Section 417 of IPC for which the appellant stands convicted. In view of the compounding of the offence, the accused is acquitted of the offence leveled against him.

10. In the result, this Criminal Appeal is allowed and the Judgment and Conviction imposed on the appellant, by the learned Sessions Judge, Mahila Court, Tiruneveli, Tirunelveli District in S.C.No.200 of 2011, dated 02.12.2014, are set aside and the appellant is acquitted from all the charges. The bail bond executed by the appellant is discharged. The fine amount, if deposited, shall be refunded to the appellant. The Joint Compromise Memo, shall form part of the order.

Sd/-

Assistant Registrar (Crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Encl: Xerox copy of Joint Compromise Memo

MPK

To

- 1.The Sessions Judge,
Mahila Court,
Tiruneveli,
Tirunelveli District
2. The Judicial Magistrate, Tenkasi.
- 3.-Do-Thro' the Chief Judicial Magistrate, Tirunelveli.
4. The Inspector of Police,
All Women Police Station,
Alangulam,
Tirunelveli District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COPY TO:

The Record Clerk,Criminal Section, - 2 copies
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.R.ANAND, Advocate (SR-4512[F] dated 03/02/2020)

Crl.A(MD)No.320 of 2014

30.01.2020

SMA/14/02/2020/3P/9C