

**BAIL SLIP**

Karuppusamy, M/35 years, S/o.Periya Karuppan, and Kannan, M/35 Years, S/o.Periya Karuppan, Petitioners/Revision Petitioners/ Accused Nos.1 and 2 were released on bail of this Court order dated 03/03/2016 made in CrI MP(MD)No.1933 of 2016 in CrI RC(MD)No.121 of 2016.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI. R.C. (MD)No.121 of 2016

1. Karuppusamy

2. Kannan

.. Revision petitioners/
Appellants/Accused 1 & 2

Vs.

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thiruppachethi police station,
Sivagangai District.
(Crime No.142 of 2009)

2. Parameshwari

(R-2 is impleaded vide order dated 13.08.2019
in CrI.M.P.(MD)No.6757 of 2019

in CRL RC(MD)No.121 of 2016)

..Respondents/Respondents

Prayer : This Criminal Revision filed under Sections 397 r/w. 401 of Cr.P.C., to allow this criminal revision and set aside the Judgment and sentence passed by the learned Sessions Judge, Fast Track Mahila Court, Sivagangai in CrI.A.No.55 of 2013 dated 23.02.2016 confirming the Judgment and sentence imposed upon them in S.C.No.140 of 2010 dated 28.11.2013 by the learned Chief Judicial Magistrate, Sivagangai.

For Petitioners : Mr.Christopher,
for Mr.G.Thalaimutharasu.

For R-1 : Mr.R.Srinivasan,
Government Advocate(CrI. Side).

For R-2 : Mr.R.Alagumani

ORDER

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The revision petitioners were prosecuted for the offences under Sections 294(b), 323, 324, 326 and 307 of I.P.C. on the file



of the Chief Judicial Magistrate/Assistant Sessions Judge, Sivagangai.

2. In support of the charges, the prosecution examined as many as ten witnesses. The case of the prosecution is that the accused herein stabbed the victim in the abdomen. The victim was said to have been in hospital for about 20 days. P.W.1 was the complainant. P.W.2 was the injured witness. P.W.3 who is the second respondent herein is the wife of P.W.2. The trial Judge, after going through the evidence on record came to the conclusion that the prosecution had proved its case beyond reasonable doubt. Vide Judgment dated 28.11.2013, the learned trial Judge convicted both the petitioners herein for the offences under Section 307 of I.P.C. and sentenced each of them to undergo three years Rigorous Imprisonment. Fine of Rs.5,000/- was also imposed. Though they were also convicted for the other charges, no separate sentence was awarded. Though there were two other accused in this case, namely, accused Nos.3 and 4, they were acquitted. The same was put to challenge in C.A.No.55 of 2013. Vide Judgment dated 23.02.2016, the learned appellate Judge confirmed the conviction Judgment of the trial Court and dismissed the appeal. Challenging the same, this criminal revision case came to be filed.

3. Even before commencing the argument, the learned counsel appearing for the revision petitioners submitted that having regard to the evidence on record, he would not challenge the finding of guilt. He only seeks modification in the matter of sentence. He pointed out that the occurrence had taken place way back in June 2009. More than 10½ years have elapsed. The petitioners did not come under any adverse notice either before or after the occurrence. The victim had been murdered by some other persons a few years later. The petitioners are willing to pay a sum of Rs.1,00,000/- as compensation(Rs.50,000/- each) to the wife of the victim.

4. The petitioners had been in prison for about two months. Taking note of all these aspects, even while confirming the conviction imposed on the petitioners, the sentence of imprisonment imposed on the petitioners is modified to the period already undergone by them. The fine amount of Rs.5,000/- each imposed on them is enhanced and the petitioners are directed to pay a further sum of Rs.50,000/-each(Totally Rs.1,00,000/-). The enhanced fine amount will be paid by the petitioners within a period of eight weeks from the date of receipt of a copy of this order. The enhanced fine amount to be paid by the petitioners will be handed over by the Court below to the wife of the victim as compensation. The second respondent herein Parameshwari, wife of the victim is represented by her counsel. If the petitioners fail to deposit the enhanced fine amount, they will have to undergo one year Rigorous Imprisonment by way of default sentence.



5. In this view of the matter, the sentence imposed by the impugned Judgment is modified and this criminal revision case is partly allowed.

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Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pmu

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.

To

1. The Sessions Judge,
Fast Track Mahila Court, Sivagangai.
2. The Chief Judicial Magistrate/Assistant Sessions Judge,
Sivagangai.
3. The Inspector of Police,
Thiruppachethi police station,
Sivagangai District.

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.(2C)

+1cc to Mr.G.Thalaimutharasu, Advocate, SR No.26457

Crl. R.C.(MD)No.121 of 2016
18.12.2020

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srk(CO)

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