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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.229 of 2015

and

Crl.M.P.No.1/15

Sundarrajan

.. Petitioner

Versus

State rep. by

The Inspector of Police.

Tiruvankadu Police Station,

Nagaipattinam District.

(Crime No.260 of 2003)

.. Respondent

Prayer : Criminal Revision Case is filed under Section 397 and 401 of Cr.P.C., to call for the records pertaining to the judgment dated 15.12.2014 passed in C.A.No.125 of 2010 on the file of the District and Sessions Judge, Nagaipattinam, confirming the judgment dated 09.12.2010 passed in S.C.No.76 of 2008 on the file of Principal Assistant Sessions Court, Mayiladuthurai and set aside the same by allowing the above Crl.R.C.

For Petitioner : Mr.S.T.Raja

for M/s. Om Sai Ram Associate

For Respondent : Mr.L.Baskaran

R1

Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case is filed by the petitioner/accused, Sundarrajan, against the judgment of the learned Assistant Sessions Judge, Mayiladuthurai dated 09.12.2010 convicting him for the offences under Sections 324 (2 counts) and 307 of Indian Penal Code; imposing a sentence of five years Rigorous Imprisonment for the offence under Section 307 of Indian Penal Code and fine of Rs.3,000/- in default of payment of fine, to undergo six months Rigorous Imprisonment;



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imposing a punishment of one year Rigorous Imprisonment for each count for the offence under Section 324 of Indian Penal Code and imposing a fine of Rs.1,000/- and the learned Principal District and Sessions Judge, Nagapattinam, thereby, confirmed the same by judgment dated 15.12.2014 in C.A.No.125 of 2010.

2. When the Criminal Revision came up for hearing today, the learned Counsel for the petitioner straightaway took this Court as to the nature of the allegations i.e., this a conflict which had arisen in relation to drawal of water from tap and in a fit of anger, the incident had taken place and the parties are neighbours and they are also closely related to each other. He would draw my attention that subsequent to the case, both sides are living peacefully and there is no any conflict between both of them and as a matter of fact, the injured witnesses have filed an affidavit before this Court on 21.06.2021, stating that the issue has been compromised between them and they are living peacefully and the injured are having cordial relationship with the accused. Mr.G.S.Dhanalakshmi, learned Counsel also appears on behalf of the injured witness and filed the affidavit before this Court.

3. Mr.S.T.Raja, learned Counsel for the petitioner would fairly submit that since this is an offence under Section 307 of Indian Penal Code, straightaway this Court cannot record the compromise or compound the matter. The matter is no longer res integra and has been dealt with Hon'ble Supreme Court of India, in a case between Ishwar Singh Vs. State of Madhya Pradesh¹, in which the Hon'ble Supreme Court of India held as follows:-

"12. Now, it cannot be gainsaid that an offence punishable under Section 307 IPC is not a compoundable offence. Section 320 of the Code of Criminal Procedure, 1973 expressly states that no offence shall be compounded if it is not compoundable under the Code. At the same time, however, while dealing with such matters, this Court may take into account a relevant and important consideration about compromise between the parties for the purpose of reduction of sentence.

....

¹ (2008) 15 Supreme Court Cases 667



8. Considering the fact the occurrence happened in the year 2003, considering the fact that the petitioner/accused was in jail for 39 days and he has already paid fine amount, as imposed by the Trial Court, the sentence is modified as the period already undergone.

9. The Criminal Revision Case is partly allowed to the extent as indicated above. In view of the disposal of the main Criminal Revision Case, since the impleading petition in M.P.No.1 of 2015 is unnecessary, the same is closed.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

grs

To

- 1.The District and Sessions Judge,
Nagaipattinam.
- 2.The Principal Assistant Sessions Judge,
Mayiladuthurai.
- 3.The Public Prosecutor,
High Court of Madras.
- 4.The Inspector of Police.
Tiruvenkadu Police Station,
Nagaipattinam District.
- 5.The Superintendent
Central Prison, Trichy.

+1cc to M/s.Om Sai Ram Associates, Advocate SR.No.61207

Cr1.R.C.No.229 of 2015

KSM(CO)
CB(22/12/2021)