



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **25.06.2021**

CORAM

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.A.(MD).219 of 2016

and

Crl.M.P.(MD).No.2881 of 2021

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1.David @ Lawrance David

2.Gandhi @ Arulanandham ... Appellants/Accused Nos. 1 & 3

Vs.

The Inspector of Police,
Abhiramam Police Station,
Ramanathapuram District.
(Crime No.132 of 2007)

... Respondent/Petitioner

PRAYER: Criminal Appeal filed under Section 374(2) of Criminal Procedure Code, to call for the records relating to the judgment passed in S.C.No.72/2011 dated 20.05.2016 on the file of the Additional District and Sessions Judge, Fast Track Mahila Court, Ramanathapuram and set aside the same and acquit the appellants/accused 1 & 3 from all the charges leveled against them.

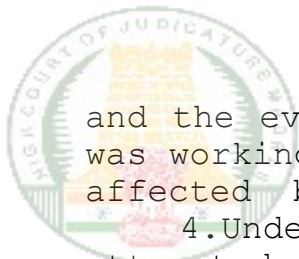
For Appellants	: Mr.R.Venkateswaran
For Respondent	: Mr.T.Senthil Kumar
	Government Advocate(Crl.Side)

J U D G M E N T

The Criminal Appeal has been filed to call for the records relating to the judgment passed in S.C.No.72/2011 dated 20.05.2016 on the file of the Fast Track Mahila Court, Ramanathapuram and set aside the same and acquit the appellants/accused 1 & 3 from all the charges levelled against them.

2.The learned counsel for the appellant submitted that the Trial Judge had framed charges under Sections 307, 341 and 323 of IPC along with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998. After due trial, the learned trial judge had convicted A1 under Sections 341 and 323 of IPC and A2 and A3 under Sections 341 and 323 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998.

3. After trial, A2 died. A1 and A3 filed the present appeal before this Court. The learned counsel for the appellants invited the attention of this Court to Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and also invited the attention of this Court to the statement recorded from the Victim/P.W.1 under Section 164 of Cr.P.C by the learned Judicial Magistrate. The learned counsel for the appellant further invited the attention of this Court to the compliant preferred by the P.W.1



and the evidence of P.W.3. As per the evidence of P.W.3, the P.W.1 was working as teacher and he had not mentioned alleged to have been affected by the A1 and A3.

4.Under those circumstances, the conviction of A3 alone is not attracted and the conviction of A3 under Section 4 of Tamil Nadu Prohibition of Harassment of Women Act is to be set aside and the offences under Sections 341 and 323 of IPC are compoundable.

5.The learned Additional Public Prosecutor have submitted the records from the police concerned stating that the P.W.1 has no grievances in compounding the offences

6.The learned Additional Public Prosecutor submitted the records and it was mentioned that there was no grievances in compounding the offences and they are the relatives and they were residing in the same village and subsequent to the case, there was no fresh dispute among them.

7.Therefore, this Court accepted the arguments of the learned counsel for the appellants and considered the age of A3/second appellant herein.

8.The learned Additional Public Prosecutor mentioned that the victim/P.W.1 was working as a Teacher and she does not accept any mandatory compensation from A1 and A3. Since, A1 is working as an auto driver in Madurai and A3 is a senior citizen residing in the same village and working as a farmer. Therefore, P.W.1 had declined to accept any compensation and the same is recorded.

9.In the light of the above submission by the learned Government Advocate (Crl.Side), the conviction of the accused 1 and 3 passed by the learned Additional District and Sessions Judge, Fast Track Court, Ramanathapuram, is confirmed. The sentence of imprisonment alone is modified. The period of imprisonment already undergone by A1 and A2 is set off. The Criminal Appeal is disposed of, accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

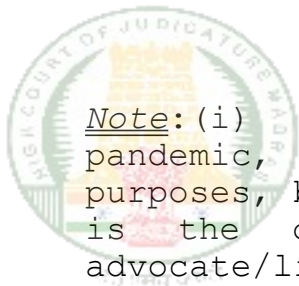
Assistant Registrar (CS II)

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Sub Assistant Registrar(CS)

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Note: (i) 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 Additional District and Sessions Judge,
Fast Track Mahila Court, Ramanathapuram.
- 2.The Inspector of Police,
Abhiramam Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and

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MGJ(04.08.2021) 3P 4C