



Bail Slip
Vannisamy, S/o.Ganapathy, Male, aged about 61 years/2016(1st accused) was granted appeal bail vide Court order dated 31.08.2016 in Crl.M.P(MD)7993/2016 in Crl.A(MD)No.319/2016.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2021

CORAM

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.A(MD) .No. 319 of 2016

Vannisamy : Appellant / A1

Vs.

State rep. by its
Sub Inspector of Police,
Thirumangalam Police Station,
Madurai District.
(Crime No. 481 of 1999)

: Respondent / complainant

PRAYER:- Criminal Appeal filed under Section 374(2) Cr.P.C., against the Judgment passed by the learned III Additional District and Sessions Judge (PCR), Madurai, in C.C.No.2 of 2003 dated 19.08.2016 thereby, convicted the appellant / 1st accused for an offence under Section 324 IPC and sentence to undergo 18 months rigorous imprisonment and to pay fine of Rs.1,000/- and in default to undergo Simple Imprisonment for a further period of 2 months.

For Appellant : Mr.P. Ganapathi Subramanian

For Respondent : Mr. P. Kanthasamy
Government Advocate (Crl. side)

ORDER

This Criminal Appeal is directed against the Judgment passed in C.C.No.2 of 2003, dated 19.08.2016 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai, wherein the first accused was found guilty for the offence under Section 324 IPC and was imposed with punishment of 18 months rigorous imprisonment and to pay a fine of Rs.1,000/- and in default to undergo 2 months Simple Imprisonment.



2. Today, when the matter is taken up for hearing, a Joint Compromise memo has been filed. The defacto complainant as well as the first accused along with their Advocates appeared virtually and both the parties would admit that they have entered into compromise and accordingly, subscribed their signatures in the compromise memo.

3. Prior to the Criminal Procedure Code (Amendment) Act 2005 (Act 25 of 2005), the offence under Section 324 IPC was compoundable with the permission of the Court, as per Sub-Section 2 of the Section 320 of IPC. But, subsequently, the said offence was made non compoundable through the Act 25 of 2005. Though the Amendment Act was published on 23.06.2006, the amendment in Section 320 (2) Cr.P.C, came into force from the date of its notification i.e., 31.12.2009.

4. In the case on hand, the offence was alleged to have been committed on 10.03.1999 and hence, the present Amendment Act has no application and the provision, which was existing before, shall operate.

5. Considering the facts and circumstances of the case that the occurrence in question took place on 10.03.1999 and that the defacto complainant and the accused have settled their disputes and filed a joint compromise memo, this Court is inclined to grant permission to the parties to compound the offence. Hence, the offence under Section 324 of IPC stands compounded as per the Section 320 (8) of Cr.P.C and the same shall have the effect of an acquittal of the accused.

6. Accordingly, the Criminal Appeal is allowed and the impugned judgment of conviction and sentence passed against the appellant in C.C.No.2 of 2003 dated 19.08.2016 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai stands set aside and the appellant is acquitted of the charge under Section 324 of IPC. The fine amount if any remitted is ordered to be refunded and the bail bond if any, executed by the accused shall stand discharged.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



To

- 1.The III Additional District and Sessions Judge (PCR), Madurai
- 2.The Sub Inspector of Police,
Thirumangalam Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Section Officer, Criminal Section-2 copies
Madurai Bench of Madras High Court, Madurai.

+1 CC to MR.P.GANAPATHI SUBRAMANIAN, Advocate (SR-14942[F] dated 31/03/2021)

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