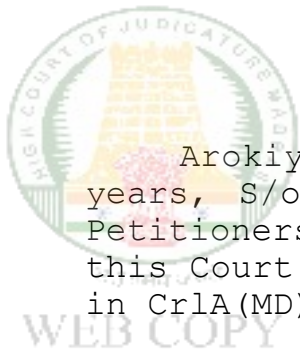




BAIL SLIP

Arokiyasamy, Male, 40 years S/o Sebathiyar, Selvaraj, Male, 35 years, S/o Sebasthiyar and Johnson, Male, 21 years, S/o Susairaj, Petitioners/Appellants/Accuse Nos. 1 to 3 are released on bail of this Court order dated 01.12.2016 made in Crl MP(MD)No.10616 of 2016 in CrlA(MD)No.412 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.A.(MD).No.412 of 2016 and
Crl.MP(MD) No.8208 of 2021

1.Arokiyasamy
2.Selvaraj
3.Johnson

... Appellants/Accused Nos. 1 to 3

-vs-

State,
rep by the Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.219 of 2014)

... Respondent/Complainant

PRAYER : Criminal Appeal is filed under Section 374 of Cr.P.C., to set aside the judgment and conviction dated 14.10.2016, by the learned I Additional District and Sessions Judge (PCR), Thanjavur in S.C.No.257 of 2015 and acquit the appellants.

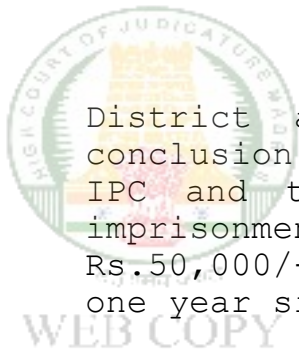
For Appellant : Mr.P.Pethurajesh

For Respondent : Mr.M.Muthumanikkam
Government Counsel

J U D G M E N T

The present Criminal Appeal is directed against the conviction and sentence, made in S.C.No.257 of 2015, on the file of the I Additional District and Sessions Judge (PCR) Court, Thanjavur on 14.10.2016.

2.The appellants are arrayed as accused 1 to 3 in the above referred case. Before the trial Court, charges under Sections 294 (b), 325 and 307 IPC and 3(1) of TNPPDL Act have been framed against the accused. After full-fledged trial, the learned I Additional



District and Sessions Judge(PCR Court) Thanjavur came to the conclusion that the appellants are found guilty under Section 325 IPC and they were convicted and sentenced to undergo Rigorous imprisonment for seven years and to pay a fine of Rs.50,000/- each, in default, the accused was sentenced to undergo one year simple imprisonment.

3. Being dissatisfied with the said findings, the appellants are before this Court with the present Criminal Appeal.

4. When the appeal is posted for enquiry, the appellants/accused along with the defacto complainant and the injured filed Crl.MP(MD) No.8208 of 2021, wherein, they prayed permission to compound the offences, under which, they were convicted.

5. No doubt, the offence under Section 325 IPC can be compounded with the permission of this Court. More over, in ***Crl.A No.1489 of 2012, dated 29.09.2021 in Ramgopal & another vs. The State of Madhya Pradesh***, our Hon'ble Apex Court has observed that, even for the offence classified as non-compoundable, after considering the evidence, the High Court is having power to record the compromise under Section 482 of Cr.P.C.

6. Hence, applying the aforesaid ratio with the case on hand, this Court after considering the evidence given by the witnesses before the trial Court, came to the conclusion that this is a fit case for recording compromise, thereby, the parties were directed to appear before this Court.

7. Accordingly, today(27.10.2021), when the matter is taken up for hearing, both the defacto complainant, the injured and the appellants 1 to 3 are present before this Court. Mr.V.Pandiyan, Special Sub Inspector of Police, Vallam Police Station, Thanjavur District is present before this Court and identified the parties. They were also identified by the respective learned counsel appearing on behalf of them. Both the parties have filed joint compromise memo, wherein, the defacto complainant and the injured had prayed to acquit the accused from the conviction passed against them by the learned I Additional District and Session Judge, Thanjavur. Accordingly, in view of the above, since the parties to the dispute have mutually buried their hatchet and also due to the reason that the offence require to record compromise is a compoundable one, no purpose will be served in keeping the case pending further. Hence, permission is granted to either parties to compound the offence.

8. Thus, in view of the above and by recording the compromise, this Criminal Appeal is allowed and the judgment in S.C.No.257 of 2015 passed by the learned I Additional District and Sessions Judge



(PCR), Thanjavur on 14.10.2016 is hereby set aside. Consequently, connected Miscellaneous Petition is closed. The joint compromise memo shall form part and parcel of this order.

Sd/-

Assistant Registrar (CS-II)

WEB COPY

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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 I Additional District and Sessions Judge (PCR), Thanjavur.

2.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

4. The Superintendent, Central Prison, Trichy.

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-32955[F] dated 28/10/2021)

Cr1.A.(MD).No.412 of 2016 and
Cr1.MP(MD) No.8208 of 2021
27.10.2021

_RD/PM (12.11.2021) 3P 6C