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Crl.A.No.189 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.A.No.189 of 2018

Krishna Kumar

... Appellant

Vs.

State by the Inspector of Police,
All Women Police Station,
Thiruppathur,
Vellore District
Cr.No.29 of 2013

... Respondent

PRAYER: Criminal Appeal is filed under Section 374(2) of the Code of Criminal Procedure, to call for the entire records in connection with the S.C.No.24 of 2016 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Magila Court) Vellore, Vellore District and set aside the judgement dated 04.01.2018.

For Appellant : Mr.E.Kannadasan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)



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JUDGMENT

This appeal is filed as against the judgment passed in S.C.No.24 of 2016, dated 04.01.2018 on the file of the learned Sessions Judge, Magalir Neethimandram (Fast Track Magila Court) Vellore, Vellore District. Thereby, the appellant was convicted for the offences under Section 352, 417 IPC and sentence to pay a fine of Rs.500/- in default to undergo two weeks simple imprisonment for the offence under Section 352 IPC and sentence to pay a fine of Rs.2,04,500/- in default to undergo simple imprisonment for three months for the offence under Section 417 IPC.

2. The learned counsel for the appellant submitted that while pending investigation, the appellant was arrested and remanded to judicial custody and the trial Court found him guilty and convicted for the offences under Section 352, 417 IPC and sentence to pay fine of Rs.500/- for the offence under Section 352 IPC and Rs.2,04,500/- for the offence under Section 417 IPC. Though, he was unable to pay the fine amount, he had undergone imprisonment for 98 days. Therefore, he prayed to consider the period of incarceration already undergone by the



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appellant.

3. Heard E.Kannadasan, learned counsel for the appellant and Mr.A.Gopinath, learned Government Advocate (Crl.Side) appearing for the respondent.

4. Considering the above submissions, this Court confirms the conviction imposed by the trial Court. However, considering the period of incarceration, which was already undergone by the appellant, this Court is inclined to set aside the sentence imposed by the trial Court.

5. Accordingly, this Criminal Appeal is partly allowed.

12.10.2022

Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.,

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To

1. The Sessions Judge, Magalir Neethimandram
(Fast Track Magila Court) Vellore, Vellore District.
2. The Public Prosecutor,
Madras High Court.

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12.10.2022