



Bail Slip

The Petitioner/Accused Viz., Sakthivel Male aged 43 years S/o Karunakaran was directed to be released on bail vide order dated 30/09/2015 in CrI.M.P No.1 of 2015 in CrI.R.C.No.852 of 2015.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CrI.R.C.No.852 of 2015

Sakthivel

... Petitioner

Versus

1.State rep. By
The Inspector of police,
All Women Police Station,
Suramangalam,
Salem.
(Crime No.18 of 2011)

2.Akhilapriya
W/o.Sakthivel

R2 suo-motto impleaded as per order in
CrI.R.C.No.852 of 2015, dated 20.01.2022. ... Respondents

Prayer: Criminal Revision Petition filed under Section 397 and 401 of Criminal Procedure Code, to set aside the order passed in C.C.No.29 of 2013 on the file of the learned Judicial Magistrate, Mahila Court, Salem, by order, dated 17.10.2014 convicting the petitioner and sentenced to undergo one year Rigorous Imprisonment and Rs.1000/- fine in default three months Simple Imprisonment and it was modified by the learned III Additional District and Sessions Judge, Salem in C.A.No.151 of 2014, by order, dated 18.06.2015, modifying the sentence alone to six months.



WEB COPY

For Petitioner : Mr.K.Prasanna
and
Ms.C.S.Rajalakshmi
Legal Aid Counsel

For R1 : Mr.L.A.J.Selvam
Government Advocate
(Criminal Side)

For R2 : No Appearance

ORDER

This Criminal Revision in Crl.R.C.No.852 of 2015 has been filed by the petitioner/first accused, aggrieved by the judgment of the Judicial Magistrate, Additional Magistrate Court, Salem, dated 17.10.2014 in C.C.No.29 of 2013, thereby, convicting the petitioner for the offence under Section 498-A of the Indian Penal Code and sentencing to undergo one year Rigorous Imprisonment and a fine of Rs.1,000/- and in default, to undergo three months Simple Imprisonment and the judgment of the learned III Additional District and Sessions Judge, Salem in Crl.A.No.151 of 2014, dated 18.06.2015, thereby, confirming the conviction of the petitioner under Section 498-A of the Indian Penal Code and reducing the punishment from one year Rigorous Imprisonment to that of six months Rigorous Imprisonment.

2. In this case, already this Court had appointed Mrs.C.S.Rajalakshmi, as learned Legal Aid Counsel. However, in the subsequent hearing, Mr.K.Prasanna, learned Counsel appears and argued the matter today. The learned Counsel submitted that instead of considering the matter on merits, this court may be pleased to consider the fact that the petitioner and the defacto complainant, who is impleaded as the second respondent in this case, have, since, been divorced by a judgment, dated 04.01.2013 in H.M.O.P.No.179 of 2011 on the file of the Family Court, Salem and have parted ways permanently and the petitioner had also been in prison for forty days and therefore, requested this Court to consider the issue of sentence appropriately. The learned Legal Aid Counsel would also adopt the said submissions.

3. Mr.L.A.J.Selvam, learned Government Advocate (Criminal Side) appearing on behalf of the prosecution, on instructions, would submit that the petitioner/accused was in prison for a period of forty days.



4. Considering the submissions made by both the Counsels for the petitioners and the learned Government Advocate (Criminal Side), considering the age of the accused now being sixty years, considering the fact that the parties have since divorced in the year 2013 itself and have parted ways and are living separately, I am inclined to modify the sentence imposed by the Trial Court as well as the Appellate Court from the period of six months Rigorous Imprisonment to that of the period already undergone. The Fine amount shall remain the same.

5. The Criminal Revision Case is partly allowed accordingly.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

grs
To

- 1.The III Additional District and Sessions Judge,
Salem.
- 2.-Do- Thro' The Principal District and Sessions Judge,
Salem.
- 3.The Judicial Magistrate,
Additional Mahila Court, Salem.
- 4.The Chief Judicial Magistrate,
Salem. (for Information)
- 5.The Superintendent,
Central Prison, Salem.
- 6.The Inspector of police,
All Women Police Station,
Suramangalam,
Salem.
- 7.The Public Prosecutor,
High Court of Madras.



Copy to

The Section Officer,
Criminal Section, High Court,
Madras.

+1cc to M/s.C.S.Rajalakshmi, Advocate Sr.5573
+1cc to Mr.K.Prasanna, Advocate Sr.5347

Cr1.R.C.No.852 of 2015

pmk[co]
srg 25/02/2022