



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Revisional Jurisdiction)

Friday, the Twenty Second day of April Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN

AND

The Hon`ble Mr.Justice N.SATHISH KUMAR

CRL A(MD) . No.70 of 2021

1. M.Udayakumar
2. M.Muthu @ Mandaani
3. M.Mokkai

... Appellants/Accused 1 to 3

Vs

The Inspector of Police
Devathanapatti Police Station
Theni District
(cr. no.322/2012)

... Respondent/Complainant

Prayer :-

This Criminal Appeal filed under section 374 of the CrI.PC. to call for the records in SC No.50 of 2014 dated 15.12.2020, on the file of the Mahila Court(Sessions Fast Track) Theni, set aside the Judgment, Acquit the Appellants herein and thus render Justice.

Order: This Appeal coming on for hearing on fifth day of April, Two Thousand Twenty Two, upon perusing the Grounds of Appeal and the record of the evidence and proceedings before the Court of Sessions and upon hearing the arguments of Mr. N.Mohideen Basha, Advocate for the Appellants/Accused 1 to 3 and of Mr.T.Senthil Kumar, Additional Public Prosecutor for the respondent, this court having stood over for consideration till this date, it is ordered as follows :

1. That the conviction and sentence imposed by the Trial Court on the first appellant/A1 under Section 302 of the Indian Penal code be and hereby set aside and instead, the first appellant /A1 be and hereby is convicted under section 304(i) of the Indian penal Code and sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) in default, to undergo simple imprisonment for two years;
2. that, the conviction and sentence imposed by the Trial Court on the first appellant/A1 under section 307 r/w 34 IPC be and hereby set aside;



- 3.that the period of sentence already undergone by the appellant /A1 shall be set off under section 428 of the Code of Criminal Procedure and the fine amount already paid shall be adjusted towards the fine amount for the offence under section 304(i);
- 4.that, the appellants 2 and 3/A2 and A3 are concerned, the conviction and sentence imposed on them by the Trial Court be and hereby set aside and they are acquitted from all the charges;
- 5.that the second appellant /A2 be and hereby confined in Central Prison, Madurai, in view of the judgment of acquittal, he is be and hereby directed to be released forthwith, unless his custody be and hereby is required in connection with any other case;
- 6.that the fine amount, if any, paid by the appellant 2 and 3/A2 and A3 shall be refunded to them. Bail Bond, if any executed by third appellant /A3 and the sureties shall stand terminated;
- 7.That in all other respects, the judgment of the Trial Court be and hereby confirmed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

22/04/2022

Sub Assistant Registrar(CS)

TO

- 1.The Judge,
Mahila Court(Sessions Fast Track)
Theni.
- 2.The Principal District Judge,
Madurai.
- 3.The Judicial Magistrate,
Periyakulam
- 4.The Inspector of Police
Devathanapatti Police Station Theni
District cr no.322/2012
- 5.The Director General Of Police,
Mylapore, Chennai.



6.The District Collector
Madurai.

7.The Superintendent Of Central Prison,
Madurai.(2 COPIES)

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

ORDER DATED : 22/04/2022

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ADVANCE ORDER
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CRL A(MD) . No.70 of 2021

Partly Allowing the CRL A(MD) .
No.70 of 2021 b call for the
records in SC No.50 of 2014
dated 15.12.2020, on the file
of the Mahila Court(Sessions
Fast Track)Theni, set aside the
Judgment, Acquit the Appellants
herein etc. as stated within.

sp (CO)
TR(22.04.2022) 3P 10C