



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29/11/2022

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

Cr1.RC(MD)No.745 of 2020

and

Cr1.MP(MD)No.13147 of 2022

1.P.Maran

2.P.Stalin

: Petitioners/Appellants/A1 and A2

Vs.

State represented

by the Inspector of Police,
Uthamapalayam Police Station,
Theni District.

(Crime No.81 of 2015): Respondent/Respondent/Complainant

Prayer:- This Criminal Revision has been filed under section 397 and 401 of the Criminal Procedure Code to set aside the judgment, dated 13/10/2020 passed by the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, in C.A No.59 of 2018, confirming the judgment passed in CC No.283 of 2015, dated 16/08/2018 by the Judicial Magistrate, Uthamapalayam and acquit the petitioners.

For Petitioners : Mr.L.Prabaharan

For Respondent : Mr.S.Manikandan
Government Advocate
(Criminal side)

For De-facto complainant : Mr.E.Satheesh

**ORDER**

WEB COPY

This criminal revision has been filed seeking to set aside the judgment, dated 13/10/2020 passed by the Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Theni, in C.A No.59 of 2018, confirming the judgment passed in CC No.283 of 2015, dated 16/08/2018 by the Judicial Magistrate, Uthamapalayam and acquit the petitioners.

2.The facts in brief:-

According to the prosecution, on 21/02/2015, the petitioners/A1 and A2 assaulted the de-facto complainant and one other person and caused injuries and threatened to kill the witnesses. A case in Crime No.81 of 2015 was registered against the petitioners under sections 294(b), 324 and 506(ii) IPC and it was taken cognizance in CC No. 283 of 2015 by the Judicial Magistrate, Uthamapalayam.

3.At the conclusion of the trial, the Judicial Magistrate, Uthamapalayam found the petitioners guilty under section 294(b) IPC and sentenced them to undergo three months rigorous imprisonment each and to pay a fine of Rs.1,000/- each, in default to undergo 20 days



simple imprisonment each and A1 was found guilty under section 326 IPC and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.5,000/- with default clause and A2 was convicted for the offence under section 324 IPC and sentenced to undergo two years rigorous imprisonment and to pay a fine of 3,000/- in default to undergo six months simple imprisonment. Against which, the the petitioners, A1 and A2 have preferred appeal in CA No.59 of 2018 before the Sessions Judge, Mahalir Neethimandram, Theni. The Sessions Judge modified the sentence to the effect that both were sentenced to undergo one month simple imprisonment each and to pay a fine of Rs.1,000/- each, in default to undergo one week simple imprisonment for the offence under section 294(b) IPC; A1 was sentenced to undergo one year simple imprisonment and to pay a fine of Rs.5,000/-, in default to undergo three months simple imprisonment for the offence under section 326 IPC and A2 was sentenced to undergo six months simple imprisonment and to pay a fine of Rs.3,000/-, in default to undergo one month simple imprisonment for the offence under section 324 IPC.



4. Aggrieved over the same, the petitioners have filed this revision.

5. Pending revision, there was a compromise between the petitioners and the de-facto complainant, by which the entire issue was settled. Since the compromise has been made at the revisional level, in view of the above said compromise between the parties, the judgment of conviction and sentence passed by the trial court as well as the first appellate court are hereby set aside and the revision petitioners are acquitted of the charges levelled against them. The compromise memo shall form part and parcel of the this order. The fine amount, if any paid shall be refunded to the revision petitioners. Accordingly this criminal revision stands **allowed**. Consequently, connected Miscellaneous Petition is closed.

29/11/2022

Index:Yes/No
Internet:Yes/No
er



To,

WEB COPY

1. The Judicial Magistrate,
Theni.
2. The Sessions Judge,
Mahalir Neethimandram,
Theni.
3. The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G . ILANGO VAN , J

er



WEB COPY



Cr1.RC(MD)No.745 of 2020

29/11/2022



WEB COPY

