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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29/11/2022

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cr1.A(MD)Nos.642 and 702 of 2022

(1)Cr1.A(MD)No.642 of 2022:-

1.Sunilkumar
2.Veerakumar : Appellants/A1 and A2

Vs.

1.State represented by
The Deputy Superintendent of Police,
Thiruvarur Sub Division,
Thiruvarur District.
(Koradacherry Police Station
Crime No.90 of 2018) : R1/Complainant

2.Akilan : R2/PW1/De-facto Complainant
3.Sivasangar : R3/PW2/Victim

Prayer:- This Criminal Appeal has been filed under section 374 of the Criminal Procedure Code to call for the records and set aside the judgment passed by the I Additional District and Sessions Judge, Thanjavur in SSC No.101 of 2018, dated 08/10/2022 and acquit the appellants



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For Appellants : Mr.M.Aarumugam
For 1st Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor
For R2 and R3 : Mr.A.Murali Kumar

(2) Cr1.A(MD)No.702 of 2022:-

1.Sathishkumar
2.Kalaiyarasan
3.Karthick : Appellants/A3 to A5

Vs.

1.State represented by
The Deputy Superintendent of Police,
Thiruvarur Sub Division,
Thiruvarur District.
(Koradacherry Police Station
Crime No.90 of 2018) : R1/Complainant
2.Akilan : R2/PW1/De-facto Complainant
3.Sivasangar : R3/PW2/Victim
(R3 impeaded as per
the order of this court,
dated 14/11/2022 made
in Cr1.MP(MD)No.13591 of
2022 in Cr1.A(MD)No.702
of 2022)

Prayer:- This Criminal Appeal has been filed under section 374 of the Criminal Procedure Code to call for the records and set aside the judgment passed by the I Additional District and Sessions Judge, (PCR), Thanjavur in SSC No.101 of 2018, dated 08/10/2022 and acquit the appellants.



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For Appellants : Mr.T.Muthukrishnan
For 1st Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor
For 2nd Respondent : Mr.A.Murali Kumar

COMMON JUDGMENT

These Criminal Appeals have been filed seeking to set aside the judgment, dated 06/10/2022 in SSC No.101 of 2018 by the I Additional District and Sessions Judge, (PCR), Thanjavur and acquit the appellants.

2.The learned counsel appearing for the petitioner submitted that the appellants have been convicted by the I Additional District and Sessions Judge, (PCR), Thanjavur, for the alleged offences under sections 147 IPC r/w section 3(2)(va) of SC/ST (PoA) Act and section 3(1)(r) of SC/ST (PoA)P Act and section 506(ii) IPC r/w section 3(2)(va) of SC/ST (PoA) Act and sentenced to undergo simple imprisonment for a period of 1 year and to pay a fine of Rs.5,000/- in default to undergo simple imprisonment for a period of five weeks for the offence under section 147 IPC r/w 3(2)(va) of SC/ST (PoA) Act and sentenced to undergo simple imprisonment for a period of 1 year and to pay a fine of Rs.5,000/- in default to



undergo simple imprisonment for a period of 5 weeks for the offence under section 506(ii) IPC r/w 3(2)(va) of SC/ST (PoA) Act, in SSC No.101 of 2018.

3.Challenging the above said sentence and conviction, the appellants preferred these appeals.

4.Pending appeals, there was a compromise between the parties, by which the entire issue was settled. Even though the offences alleged are non compoundable in nature and the injuries suffered by the de-facto complainant are grievous in nature, it appears that a compromise has been reached between the parties and no useful purpose is going to be served in keeping the appeals pending. Now the compensation amount received by PW1 and PW2 has also been remitted to the Government Account.

5.In view of the above said compromise and compliance, the judgment of conviction and sentence passed by the trial court are hereby set aside and the appellants 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 appellants. Accordingly these criminal appeals stand **allowed**.

29/11/2022

Index:Yes/No
Internet:Yes/No
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To,

- 1.The I Additional District
and Sessions Judge,
Thanjavur
- 2.The Deputy Superintendent of Police,
Thiruvarur Sub Division,
Thiruvarur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G . ILANGO VAN , J

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Cr1.A(MD)Nos.642 and 702 of 2022

29/11/2022



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