

Crl.R.C.(MD).No.90 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 31.07.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD)No.90 of 2020

Jeyaseelan

... Petitioner

Vs.

The State Rep by its.,
The Inspector of Police,
Nachiyarkovil Police Station,
Thanjavur District.

... Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 and r/w 401 of Cr.P.C., to call for the records pertaining to the order passed in Crl.A.No. 50 of 2019 dated 16.10.2019 on the file of the Additional District and Sessions Court (Fast Track Court), Kumbakonam, confirming the judgment of conviction passed in S.C.No.372 of 2015 dated 27.03.2019 on the file of the Chief Judicial Magistrate, Thanjavur at Kumbakonam and set aside the same.

For Petitioner : Mr.M.Karunanithi
For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



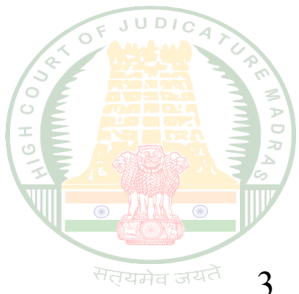
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ORDER

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This Criminal Revision case has been filed to call for the records pertaining to the order passed in Crl.A.No.50 of 2019, dated 16.10.2019, on the file of the Additional District and Sessions Court (Fast Track Court), Kumbakonam, confirming the judgment of conviction passed in S.C.No.372 of 2015 dated 27.03.2019 on the file of the Chief Judicial Magistrate, Thanjavur at Kumbakonam and set aside the same.

2. The case of the prosecution is that one Prasanth teased the petitioner and on 22.10.2014, at about 17.30 hrs, one Dinesh also teased the petitioner and thereafter a wordy quarrel arose between them. At that time, injured sivaraman interfered and the petitioner along with the other accused attacked Sivaraman with knife and caused grievous injuries to him. Therefore, a case in Crime No. 326 of 2014 was registered for the offences under Section 294(b), 342, 326 and 307 of IPC. After conducting the investigation, the respondent police filed a charge sheet before the Chief Judicial Magistrate and the same was taken on file in S.C.No.372 of 2015.



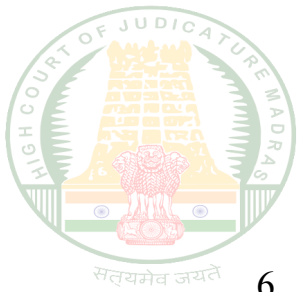
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3. Thereafter, on receipt of the summons, the petitioner appeared and contested the case. Before the trial Court, on the side of the prosecution, they examined 13 witnesses as P.W.1 to P.W.13 and marked 11 documents as Ex.P.1 to Ex.P.11 and one material object was marked. On the side of the accused, neither a document was produced nor a witness was examined.

4. The learned Trial Judge after following the procedure, passed the conviction under Section 326 of IPC sentencing to undergo 3 years rigorous Imprisonment and to pay a fine amount of Rs.500/-, in default, to undergo three months Simple Imprisonment and for the offence under Section 307 of IPC to undergo 3 years rigorous Imprisonment and to pay a fine amount of Rs.500/-, in default, to undergo three months Simple Imprisonment by the Judgment dated 27.03.2019.

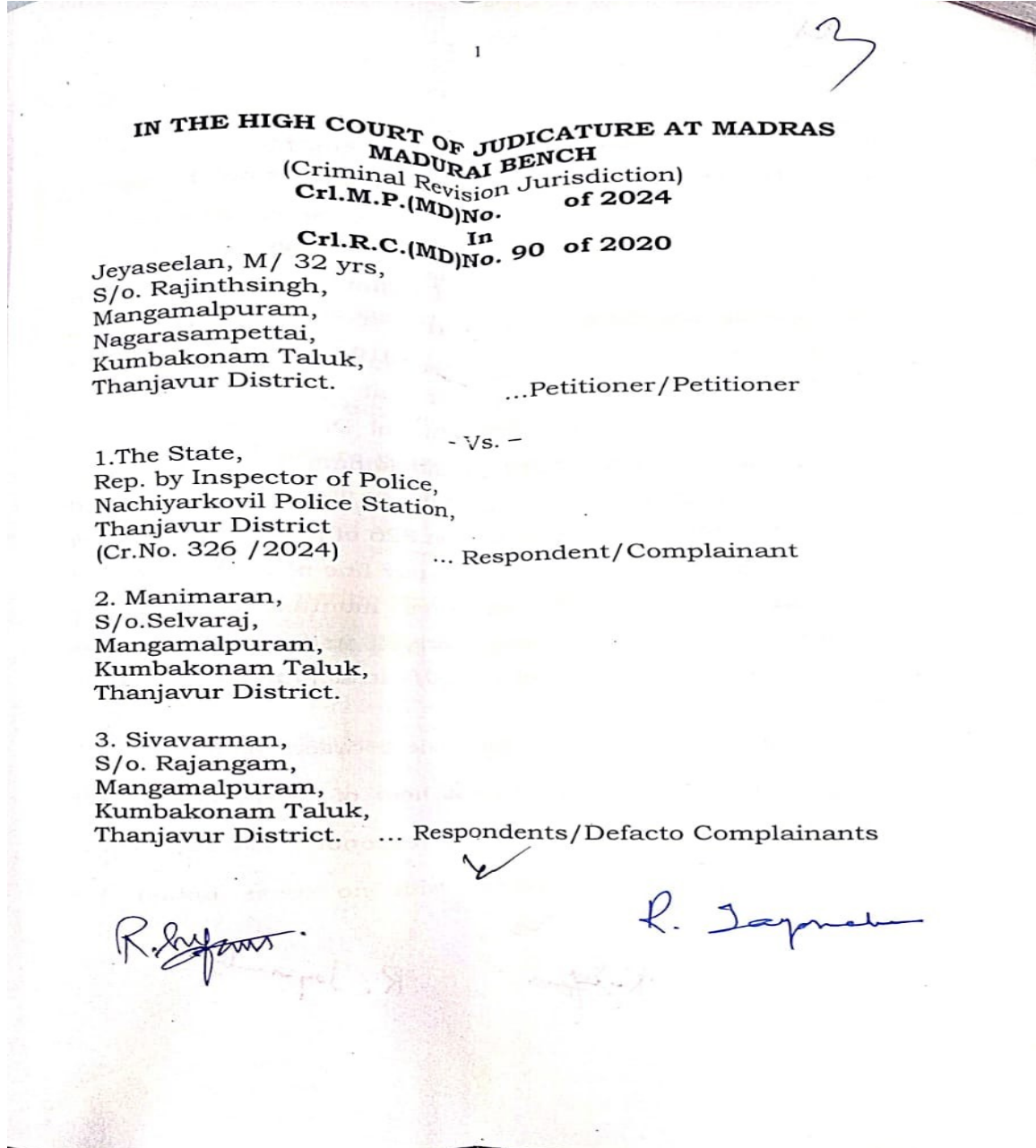
5. Aggrieved over the same, the petitioner filed the Criminal Appeal in Crl.A.No.50 of 2019 on the file of the Additional District and Sessions Court (FTC), Kumbakonam. The learned Appellate Judge also confirmed the same. Hence, the petitioner preferred this revision before this Court.



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6. Today, when the matter was taken up for hearing, both counsel on record would submit that they have already filed joint compromise memo dated 22.07.2024, which is extracted here under :-





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JOINT COMPROMISE MEMO

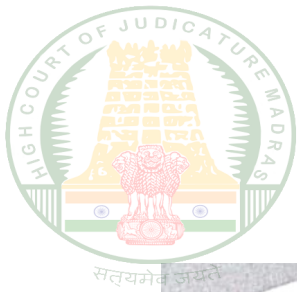
The petitioner and the 3rd respondent beg to state as follows:-

1. It is submitted that the Petitioner above named beg to preferred this Memorandum of Criminal Revision Petition against the conviction and sentence recorded in S.C.No. 372 of 2015 by judgment dated 27.03.2019 by the Learned Chief Judicial Magistrate, Thanjavur at Kumbakonam and confirmed by the Learned Additional District and Sessions Judge, (Fast Track Court), Kumbakonam in C.A.No. 50 of 2019 by judgment dated 16.10.2019. The trial court found the petitioner guilty under section 326 of I.P.C and sentenced to undergo three years RI and to pay fine of Rs.500/- and in default to undergo SI for three months, he was also sentenced to undergo three years RI under section 307 of I.P.C. and to pay a fine of Rs.500/- in default to undergo SI for three months.

2. It is submitted that the issue between the parties have been settled amicably with the help of elders of both the family. The petitioner and the 3rd respondent is close relative. In view of the compromise, with no other option, the

R. Jayaraman

R. Jayaraman



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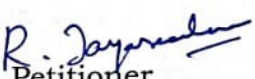
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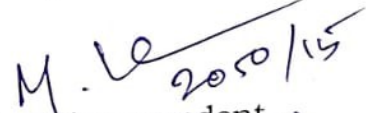
petitioner is filing the present petition to record the compromise and to compound the offence. Hence it is just and necessary to record the compromise and to permit the petitioner and the 3rd respondent to compound the offence in the interest of justice. The 2nd respondent only preferred a complaint on behalf of the 3rd respondent. The 3rd respondent is the injured / victim in the case on hand.

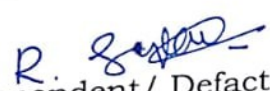
It is therefore prayed that this Hon'ble Court may be pleased to record this joint compromise memo and permit the petitioner and the 3rd respondent to compound the offence and acquit the petitioner the same and thus render justice.

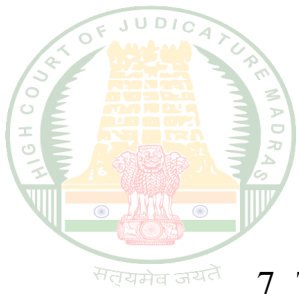
Dated at Madurai this the 22nd day of July 2024


Counsel for Petitioner


Petitioner


Counsel for 3rd respondent
(M. VASANTHAN)


Respondent/ Defacto
complainant



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7. The contents of the above joint compromise memo were read over and explained to both the parties and they would admit the same. The joint compromise memo filed by both the parties is recorded.

8. In view of the compromise entered between the parties, the offences under Sections 326 and 307 of IPC stand compounded by following the law laid down by the Hon'ble Supreme Court in the case of ***Ramgopal v. State of M.P.***, reported in ***2022 (14) SCC 531***. This Court is also taken into account that the accused has no previous antecedents.

9. Accordingly, the conviction and sentence imposed by the Chief Judicial Magistrate, Thanjavur at Kumbakonam, in S.C.No.372 of 2015 dated 27.03.2019, and confirmed by Additional District and Sessions Court (FTC), Kumbakonam, in Criminal Appeal No.50 of 2019 dated 16.10.2019, is hereby set aside and the Criminal Revision Case is allowed. The accused is acquitted from the charges levelled against him. Bail bond if any, executed by the accused shall stand discharged.

31.07.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
sbn



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To

- 1.The Additional District and Sessions Court (Fast Track Court),
Kumbakonam,
- 2.The Chief Judicial Magistrate,
Thanjavur,
Kumbakonam.



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K.K.RAMAKRISHNAN, J.

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