



WEB COPY

CRL A NO.75 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CRL A NO. 75 of 2017

Ravi, M/42
S/o.Kaliyaperumal,
Devanoor Road, Variyankaval,
Jayankondam, Ariyalur District.

Appellant/Accused

Vs

The State Rep.By
The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.

Cr.No.366 of 2014.

Respondent/Complainant

Prayer : Criminal Appeal filed under Section 374 of Code of Criminal Procedure, 1973, to call for the records and set aside the conviction Judgment passed by the learned Sessions Judge/Fast Track Mahila Court, Ariyalur in S.C.No.80 of 2016 dated 24.01.2017.

For Appellant(s):

M/s.G.Pugazhenth

For Respondent(s):

Mr.L.Baskaran
Government Advocate (Criminal Side)

JUDGMENT

This Criminal Appeal has been filed by the accused, challenging the

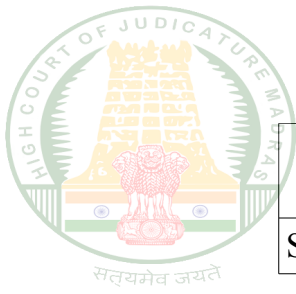


conviction and sentence imposed upon him vide Judgment dated : 24.01.2017 in S.C.No.80 of 2016 on the file of the learned Sessions Judge/Fast Track Mahila Court, Ariyalur.

2. It is the case of the prosecution that the victim and the appellant are closely related to each other; that the victim is the brother's wife of the appellant; that the victim's husband and the appellant had a property dispute, and on account of the same, there was a quarrel on the night of 04.10.2014, and the appellant had attacked the victim with a knife and caused grievous injuries.

3. The trial Court found the appellant guilty of the offences under Sections 294(b) and 307 of the Indian Penal Code. The appellant was sentenced as follows:

<i>Offence under Section</i>	<i>Sentence imposed</i>
294(b) of the IPC	To undergo Simple Imprisonment for a period of one month and to pay a fine of Rs.500/-, in default to undergo Simple Imprisonment for fifteen days.
307 of the IPC	To undergo Rigorous Imprisonment for a period of ten years and to pay a fine of Rs.10,000/-, in default to undergo Simple Imprisonment for one year.



<i>Offence under Section</i>	<i>Sentence imposed</i>
Sentences are ordered to run concurrently.	

WEB COPY

4. Pending the appeal, the victim and the appellant had entered into a compromise pursuant to the intervention of the elders and well-wishers of the family and in order to maintain cordiality. The parties have filed a Memo of Compromise signed by the victim, confirming the compromise arrived at between them.

5. The victim is present in person and would state that due to the intervention of elders, she had entered into a compromise and also prayed that the same may be recorded and the orders may be passed accordingly.

6. The victim was identified by Mr. K. Gunasekaran, SSI, Jayankondam Police Station, Ariyalur District, [Mob.No.97888 05987](tel:9788805987). She has also produced her Aadhar card bearing no.3275 7527 4681.

7. Mr.L.Baskaran, the learned Government Advocate (Crl.Side) filed a Status Report of the Inspector of Police attached to the respondent, which also confirms the compromise entered into between the parties.



8. The said Status Report filed by the respondent along with the statement of the victim is taken on record.

9. The compromise memo dated 14.06.2024 is scanned and reproduced below:



WEB COPY

CRL A NO.75 of 2017



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Crl.A.No. 75 of 2017

Against

S. C. No. 80 of 2016

(On the file of the Fast Track Mahila Court, Ariyalur)

Ravi M/50
S/o. Kaliyaperumal
Devanoor Road
Variyankaval
Jayankondam
Ariyalur District

...Appellant

-Vs-

The State Rep by
The Inspector of Police
Jayankondam Police Station
Ariyalur District
(Crime No. 366 of 2014)

...Respondent

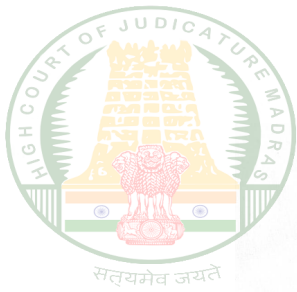
COMPROMISE MEMO FILED BY THE APPELLANT AND THE
DE FACTO COMPLAINANT

1. It is submitted that the Respondent Police registered a case as against the appellant for an offence under section 294 (b), 324, 307 I.P.C in Crime No. 366 of 2014 on the statement given by the de facto complainant namely Uma wife of Kumar, while she was admitted as inpatient at Govt. Hospital, Jayankondam.

2. It is submitted that the victim is the wife of the brother of the accused. There was a dispute between both the family in respect of a land dispute. On 04.10.2014 appellant's wife namely Selvi closed the pathway of the grazing field, hence there was a wordy quarrel between Uma and Selvi. Upon hearing about the quarrel, the appellant Ravi came to the house of the informant on

K. 267

K. 267



WEB COPY



-2-

the same day at about 9.00 p.m. abused her in filthy language and assaulted her with a knife. As a result of which, she sustained injuries on her forehead and the centre of the left hand. She took treatment at Jayankondam Government Hospital, Sugam Hospital at Kumbakonam and then at Thanjavur Medical College Hospital for about 15 days as inpatient.

3. The Respondent Police laid a charge sheet for an offence under section 294(b) and 307 IPC. After trial, the Learned Fast Track Mahila Court, Ariyalur convicted and sentenced to undergo simple imprisonment for a period of one month and to pay a fine of Rs.500/- i/d further to undergo simple imprisonment for a period of 15 days for the offence under section U/s 294(b) of I.P.C and sentence to undergo 10 years R.I and to pay a fine of Rs.10,000/- i/d further to undergo 1 year S.I for the offence under section 307 IPC by a judgment dated 24.01.2017 in S.C.No. 80 of 2016. The sentence was suspended and bail granted on 18.07.2017, after a period of 6 months. During investigation, 16 days he was in prison.

4. It is submitted that the victim is the wife of the brother of the appellant. Therefore, a panchayat was held where with the intervention of the well - wishers of the both the family, a compromise was arrived at between the appellant and the victim, in order to maintain the future cordiality of both the family.

For the reasons stated above, it is prayed that this Hon'ble Court may be pleased to record this memo of compromise entered in to between the appellant and the victim and pass orders accordingly and thus render justice.

Dated at Chennai on this the 14th day of June 2024.

De facto complainant/victim

K. B. V.
Appellant/Accused



10. In view of the fact that the victim and the appellant are closely related to each other and the fact that they had entered into a compromise, this Court is of the view that the appeal need not be heard on merits.

11. It is reported by the learned Government Advocate (Crl.Side) that the appellant has suffered a total incarceration of six months and sixteen days as on 27.06.2025 (during the investigation and during the appeal period).

12. In similar circumstances, the Hon'ble Supreme Court in ***Murali and another vs. State rep. by the Inspector of Police*** reported in ***CDJ 2021 SC 015*** held as follows.

“13. Given this position of law and the peculiar circumstances arising out of subsequent events, we are of the considered opinion that it a fit case to take a sympathetic view and reconsider the quantum of sentences awarded to the appellants. We say so because: first, the parties to the dispute have mutually buried their hatchet. The separate affidavit of the victim inspires confidence that the apology has voluntarily been accepted given the efflux of time and owing to the maturity brought about by age. There is no question of the settlement being as a result of any coercion or inducement. Considering that the parties are on friendly terms now and they inhabit the same society, this is a fit case for reduction of sentence.



WEB COPY



14. *Second, at the time of the incident, the victim was a college student, and both appellants too were no older than 20-22 years. The attack was in pursuance of a verbal altercation during a sports match, with there being no previous enmity between the parties. It does raise hope that parties would have grown up and have mended their ways. Indeed, in the present case, fifteen years have elapsed since the incident. The appellants are today in their mid thirties and present little chance of committing the same crime.*

15. *Third, the appellants have no other criminal antecedents, no previous enmity, and today are married and have children. They are the sole bread earners of their family and have significant social obligations to tend to. In such circumstances, it might not serve the interests of society to keep them incarcerated any further.*

16. *Finally, both appellants have served a significant portion of their sentences. Murali has undergone more than half of his sentence and Rajavelu has been in jail for more than year and eight months.”*

13. In this case also, we find, as stated earlier, the parties have entered into a compromise. The victim is very closely related to the appellant as she is the brother's wife of the appellant and if the appellant's sentence as imposed by the trial Court is confirmed, it would again lead to disputes in the family which appears to have been resolved.

14. In view of the above, this Court is of the opinion that the interest



of justice would be met if the sentences of imprisonment imposed by the trial Court were reduced to the period already undergone for the offences under Sections 294(b) and 307 of the Indian Penal Code. The fines imposed for the aforesaid two offences are confirmed.

15. Accordingly the Criminal Appeal is disposed of. The fine amount paid by the appellant/accused shall be adjusted. If the entire fine amount has not been paid by the appellant, he shall pay the same forthwith, failing which, he has to undergo the proportionate default sentence imposed by the trial Court.

30-06-2025

dk
Index : yes/no
Internet : yes/no
Neutral citation : yes/no



WEB COPY

To

1. The Sessions Judge
Fast Track Mahila Court,
Ariyalur
2. The Inspector of Police,
Jayankondam Police Station,
Ariyalur District.



WEB COPY

CRL A NO.75 of 20



SUNDER MOHAN,J.

dk

CRL A NO. 75 of 2017



WEB COPY

CRLA NO.75 of 20



30-06-2025