



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Twentieth day of October Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP(MD) No.10155 of 2016

IN

CRL A(MD) No.394 of 2016

K. PRABHU

... DEPONENT/APPELLANT/A1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAMADURAI,
SIVAGANGAI DISTRICT,
CRIME NO. 5/2012.

... RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed against the Petitioner/Appellant by the Learned Fast Track Mahila Court, Sivagangai in S.C No. 138/2015 dated 28.09.2016 till the disposal of the Criminal appeal filed by the Petitioner/ Appellant.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.LAKSHMANAN, Advocate for the petitioner and of MR.P.KANDASAMY, GOVT.ADVOCATE (CRL.SIDE) on behalf of the Respondent, the court made the following order:-

The first accused in S.C.No.138 of 2015, on the file of the learned Fast Track Mahila Court, Sivagangai, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

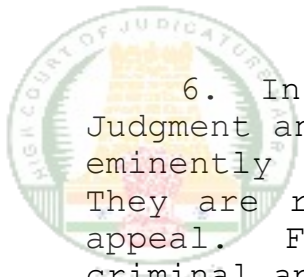
2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 417 I.P.C.	1 year R.I. + Fine Rs.10,000/-, i/d 3 Months S.I.

3. Fine amount has been paid.

4. The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised.

5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner.



6. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the learned Judicial Magistrate cum District Munsif, Manamadurai.

(iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

20/10/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE SESSIONS JUDGE, MAGALIR NEETHI MANDRAM,
FAST TRACK MAHILA COURT, SIVAGANGAI.
- 2 THE JUDICIAL MAGISTRATE CUM DISTRICT MUNSIF, MANAMADURAI.
- 3 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
MANAMADURAI, SIVAGANGAI DISTRICT,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.A.MOHAN, Advocate SR.No.62169.

ORDER IN
CRL MP(MD) No.10155 of 2016
IN CRL A(MD) No.394 of 2016
Date :20/10/2016

mpk

msm/gsv-pm/20.10.16/p2/7c