



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.10174 of 2016
IN
CRL RC(MD) No.718 of 2016

1 JUSTUS,
2 ELESAMMAL

... REVISION PETITIONER/ACCUSED NO.1 & 2

Vs

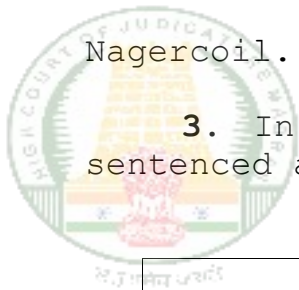
STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KANYAKUMARI DISTRICT
CR.NO. 09 OF 2004

... 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 passed in CC NO. 100 of 2008 dated 27/07/2011 by the learned Judicial Magistrate NO.II, Nagercoil and which was confirmed by In The Court of Sessions, Kanyakumari at Nagercoil in CA NO. 69 of 2016 on 16/06/2016 pending disposal of the above said Revision Petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.N.MOHIDEEN BASHA, Advocate for the petitioner and of MR.P.KANDASAMY Government Advocate (Crl.Side) for the Respondent while admitting the Criminal Revision Petition the court made the following order:-

The petitioners challenge the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.



Nagercoil.

3. In the said Court, the petitioner has been convicted and sentenced as under:

Conviction	Sentence
Section 498 (A) IPC.	1 Year R.I., for each,
Section 408 IPC.,	1 Year R.I., for each,
Sections 3, 4 and 6 of Dowry Prohibition Act	R.2,25,000/- as compensation to the witness No.1, Sobitha Chandra. (along with other accused) (The sentences were directed to run concurrently.)

4. The learned Sessions Judge, Kanyakumari at Nagercoil, confirmed the conviction and sentence and dismissed the Criminal Appeal No.69 of 2011.

5. The learned counsel for the petitioners submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and by the Appellate Court and they are required to be revised. There is *prima facie* case in favour of the petitioners.

6. The learned Government Advocate (Criminal Side) submitted that the Trial Court as well as the Appellate Court have rightly convicted and appropriately punished the revision petitioner. There is no *prima facie* case in favour of the petitioner/appellant.

7. I have anxiously considered the rival submissions, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

8. Perusing the impugned judgments and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal revision. They are required to be examined in detail in the main criminal revision. It will take some time for the disposal of this criminal revision. Further, the petitioner was on bail in the Trial Court. I see *prima facie* case. I am inclined to grant revision bail to the petitioner.

9. In view of the foregoing, ordered as under:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court alone is suspended.
- (iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Judicial Magistrate



No.2, Nagercoil.

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

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sd/-
20/10/2016

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

MPK

TO

- 1 THE SESSIONS, KANYAKUMARI AT NAGERCOIL
- 2 THE JUDICIAL MAGISTRATE NO.2, NAGERCOIL
- 3 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL
- 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KANYAKUMARI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.N.MOHIDEEN BASHA Advocate SR.No.62416

GJM/DB/SAR-II-21.10.16-2P-7C

ORDER
IN
CRL MP (MD) No.10174 of 2016
IN
CRL RC (MD) No.718 of 2016
Date :20/10/2016