



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

Friday, the Twenty First day of October Two Thousand Sixteen

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PRESENT

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

CRL MP (MD) No.10218 of 2016

IN

CRL RC (MD) No.721 of 2016

SHANMUGANATHAN

... PETITIONER/PETITIONER/
APPELLANT/1ST ACCUSED.

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE
CRIME BRANCH CRIME INVESTIGATION DEPARTMENT (CBCID),
SIVAGANGAI DISTRICT,
CR NO. 03/2005.

... RESPONDENT/RESPONDENT/
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 of two years simple imprisonment for offence under section 420 of Indian Penal Code imposed against the Petitioner by the Learned Judicial Magistrate No. II Sivagangai by judgement dated 22.04.2014 vide C.C No. 4/2013 and confirmed by the Fast Track Mahila Court Sivagangai by judgement dated 14.10.2016 vide C.A No. 24/2014 and enlarge the Petitioner on bail pending disposal of R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.D.SHANMUGARAJA SETHUPATHI, Advocate for the petitioner and of M/S.P.KANDASAMY, Government Advocate (Crl.Side), on behalf of the Respondent, the court made the following order:-

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

2. The revision petitioner is an accused in C.C.No.4 of 2013, on the file of the learned Judicial Magistrate No.II, Sivagangai.

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

Conviction	Sentence
Section 420 r/w 109 of IPC.,	2 Years S.I., and a fine of Rs.2000/- in default to under go 1 month simple imprisonment.



4. The learned Fast Track Mahila Court, Sivagangai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.24 of 2014.

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5. The learned counsel for the petitioner 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 petitioner. He would further submit that the petitioner is a chronic diabetic and hyper-tension patient and he is taking treatment for the above ailments in the hospital prior to his confinement. He also submitted that fine amount was paid.

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 foregoings, 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.II, Sivagangai.

(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.

sd/-

21/10/2016

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1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE HOSPITAL SUPERINTENDENT,
GOVERNMENT MEDICAL COLLEGE HOSPITAL,
SIVAGANGAI.

4 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

5 THE SUB INSPECTOR OF POLICE,
CRIME BRANCH CRIME INVESTIGATION DEPARTMENT (CBCID),
SIVAGANGAI DISTRICT,

+1. C.C. to M/S.D.SHANMUGARAJA SETHUPATHI Advocate SR.No.62392.

ORDER
IN
CRL MP(MD) No.10218 of 2016
IN
CRL RC(MD) No.721 of 2016
Date :21/10/2016

AM/CK/SAR-III/21.10.2016/2P/7C (IT)