



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

Tuesday, the First day of November Two Thousand Sixteen

PRESENT

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

CRL MP(MD) No.10384 of 2016
IN
CRL RC(MD) No.729 of 2016

RAMESH @ SHANMUGAM

... PETITIONER/PETITIONER

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
SOMANTHAPURAM POLICE STATION,
SIVAGANGAI DISTRICT,
CRIME NO. 214/2010.

... RESPONDENT/RESPONDENT

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 imprisonment passed by the Learned Fast Track Mahila Court Sivagangai in Crl. A No. 65 of 2014 by the judgment dated 14.10.2016 confirming the conviction and sentence imposed by the learned Principal District Munsif Cum Judicial Magistrate, Karaikudi in C.C. No. 446 of 2010 by the judgment dated 29.10.2014 and enlarge the Petitioner on bail pending disposal of the Criminal revision Petition.

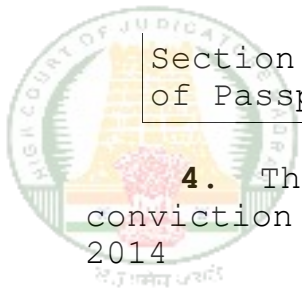
Order : This petition coming on for admission upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MAHENDRAPATHY, Advocate for the petitioner and of M/S.S.PRABHA, Government Advocate (Crl.side) on behalf of the Respondent, while admitting the Crl.RC, the court made 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.446 of 2010 on the file of the learend Principal District Munsif-cum-Judicial Magistrate, Karaikudi.

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

Conviction	Sentence
Section 468 IPC	2 Years R.I.,
Setion 471 IPC	2 years R.I and a fine of Rs.3000/- in default, 6 months S.I



Section 419 IPC r/w 12(1)(b) of Passport Act	1 year R.I
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4. The Fast Track Mahila Court, Sivagangai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.65 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 also submitted that the petitioner is on bail before the trial court and the Appellate Court.

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/revision petitioner.

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 petitioners were on bail in the Trial Court. I see *prima facie* case. I am inclined to grant revision bail to the petitioner.

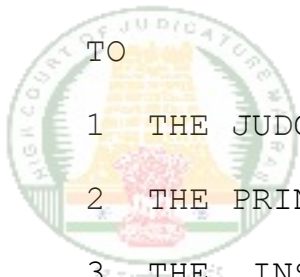
9. In view of the foregoing, ordered as under:

- (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 separate bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Principal District Munsif-cum-Judicial Magistrate, Karaikudi,
- (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/-

01/11/2016

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TO

- 1 THE JUDGE, FAST TRACK MAHILA COURT, SIVAGANGAI.
- 2 THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, KARAIKUDI.
- 3 THE INSPECTOR OF POLICE,
SOMANTHAPURAM POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. C.C. to M/S.S.MAHENDRAPATHY Advocate SR.No.64336

CM

CSL/SS-2/SAR-I/02.11.2016: 3P/7C

ORDER

IN

CRL MP(MD) No.10384 of 2016

IN

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Date :01/11/2016