



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

Monday, the Twenty Eighth day of November Two Thousand Sixteen

PRESENT

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

CRL MP (MD)Nos.10731 & 10908 of 2016

IN

CRL A (MD)Nos.421 & 425 of 2016

BALAN ALIAS BALAKRISHNAN

..APPELLANT/APPELLANT/ACCUSED NO.1

IN CRL.MP (MD)NO.10731/2016

IN CRL.A (MD)NO.421/2016

1 BALAN @ RAMASAMY

2 KUMAR @ MAHESH KUMAR

..PETITIONERS/APPELLANTS/ACCUSED 2 & 4

IN CRL.MP (MD)NO.10908/2016

IN CRL.A (MD)NO.425/2016

VS.

STATE REP.BY

THE INSPECTOR OF POLICE,
ARAVAKURICHI POLICE STATION,
KARUR DISTRICT

CR. NO. 64 OF 2015 RESPECTIVELY

..RESPONDENT/RESPONDENT/

COMPLAINANT IN BOTH THE CASES

Prayer in CRL MP (MD)No.10731/2016 IN CRL A (MD)No.421/2016:

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 on the Appellant in the judgment and conviction in Sessions Case No.39 of 2016 dated 22.10.2016 on the file of the Sessions Court, Fast track Mahila Court, Karur and enlarged him on bail.

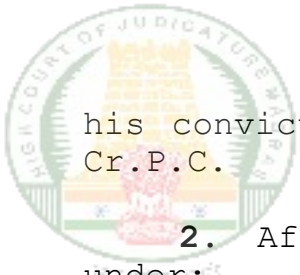
Prayer in CRL MP (MD)No.10908/2016 IN CRL A (MD)No.425/2016:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of sentence imposed on the Petitioners/ Accused No.2 and 4 in Sessions Case No.39 of 2016 dated 22.10.2016 on the file of the Fast Track Mahila Court, Karur and enlarge them on bail pending disposal of Criminal Appeal.

Order : These petitions coming on for orders upon perusing the petitions filed in support thereof and upon hearing the arguments of M/S.B.JAMEEL ARASU, Advocate for the petitioner in Crl.MP (MD) No.10731/2016 in CRL A (MD)No.421/2016 and Mr.M.GNANAGURUNATHAN, Advocate for the petitioner in Crl.MP (MD)No.10908/2016 in CRL A (MD) No.425/2016 and of Mr.P.KANDASAMY, Government Advocate (Crl.Side) on behalf of the Respondents in both the petitions, the court made the following order:-

<https://hcservices.ecourts.gov.in/hcservices/>

The accused Nos.1, 2 and 4 in S.C.No.39 of 2016, on the file of the Sessions cum Fast Track Mahila Court, Karur, while challenging



his conviction and sentence, seek appeal bail under Section 389(1) Cr.P.C.

2. After trial, they have been convicted and sentenced as under:

Accused	Conviction	Sentence
A1, A2 and A4	U/s.366 IPC	Rigorous Imprisonment for 7 years and to pay a fine of Rs.1,000/- each, in default to undergo one month simple imprisonment.
A1	U/s.506(i) IPC	Simple Imprisonment for one year.
A2	U/s.323 IPC	Simple Imprisonment for six months.

3. Fine amount has been paid.

4. The learned counsel for the petitioners submitted that there is a delay in registration of the case and also the delay in sending the FIR to the Court and that the confession recorded is not proved by the prosecution during the trial of the accused. 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 petitioners, however, there is no serious objection on the side of the respondent in ordering the suspension of sentence.

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.

7. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended on condition that each petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties for the like sum each to the satisfaction of the Judicial Magistrate No.II,



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

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sd/-
28/11/2016

/ TRUE COPY /

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

TO

- 1 THE SESSIONS JUDGE CUM FAST TRACK MAHILA COURT, KARUR.
- 2 THE JUDICIAL MAGISTRATE NO.II, KARUR.
- 3 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, KARUR.
- 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 5 THE INSPECTOR OF POLICE, ARAVAKURICHI POLICE STATION, KARUR DISTRICT.
- 6 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

+1. C.C. to M/S.B.JAMEEL ARASU Advocate SR.No.73519
+1cc to M/s.K.Samidurai, Advocate in SR.73884

ORDER IN
CRL MP(MD)Nos.10731 & 10908 of 2016
IN CRL A(MD)Nos.421 & 425 of 2016
Date :28/11/2016

PBK/SS-3/SAR-I 29/11/2016 ::3P-9C: