



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

Tuesday, the Twenty Second day of November Two Thousand Sixteen

PRESENT

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

CRL MP(MD) No.10752 of 2016
IN
CRL RC(MD) No.752 of 2016

GOBI ALIAS GOBINATHAN

... PETITIONER/REVISION PETITIONER/
1st ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
MAYANOR POLICE STATION,
KARUR DISTRICT
CRIME NO. 37 OF 2013

... 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 operation of the sentence imposed upon the petitioner / revision petitioner /1st accused by the Mahalir Neethi Mandram (Fast Track Mahila Court), Karur in Criminal Appeal NO. 62 of 2015 dated 31.05.2016 confirming the conviction and sentence imposed upon the revision petitioner /1st accused by the Assistant Sessions Judge , Kulithalai in Sessions Case No. 26 of 2014 dated 26.10.2015 till the disposal of the Crl. RC.

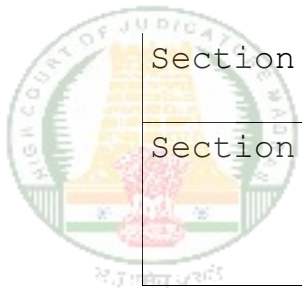
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.E.K.KUMARESAN, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate for the Respondents the court made the following order:-

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 the first accused in C.C.No.26 of 2014, on the file of the learned Assistant Sessions Judge, Kulithalai.

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

https://hcservices.ecourts.gov.in/hcservices/	Conviction	Sentence
---	-------------------	-----------------



Section 341 IPC.,	Simple imprisonment for one month.
Section 307 r/w 34 IPC	Rigorous imprisonment for five years and to pay a fine of Rs.500/- i/d. 3 months S.I.

WEB COPY

4. The Sessions cum Fast Track Mahila Court, Karur, confirmed the conviction and sentence imposed by the trial Court and dismissed the Criminal Appeal No.62 of 2015.

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 fine amount was already paid and he was on bail during the pendency of the appeal.

6. The learned Government Advocate (Criminal Side) has not raised any serious objection, however, would submit that the Trial Court as well as the lower 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 submissions of Mr.E.K.Kumaresan, the learned counsel for the petitioner and Mr.P.Kandasamy, learned Government Advocate (Crl.side) for the respondent, 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. I see *prima facie* case. I am inclined to grant revision bail to the petitioner, till the disposal of the Revision.

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

(i) Revision bail granted.

(ii) Sentence of imprisonment ordered by the Trial Court and confirmed by the lower Appellate Court alone is suspended.

(iii) There shall be two sureties and he shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) to the satisfaction of the learned Mahilr Neethimandram (Fast Track Mahila Court),

Karur.



(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/-
22/11/2016

/ TRUE COPY /

WEB COPY

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

TO

- 1 THE ASSISTANT SESSIONS JUDGE,
KULITHALAI
- 2 THE SESSIONS CUM FAST TRACK
MAHILA COURT, KARUR
- 3 THE MAHILR NEETHIMANDRAM
FAST TRACK MAHILA COURT, KARUR
- 4 THE INSPECTOR OF POLICE
MAYANOR POLICE STATION, KARUR DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.E.K.KUMARESAN Advocate SR.No.71515

ORDER
IN
CRL MP (MD) No.10752 of 2016
IN
CRL RC (MD) No.752 of 2016
Date :22/11/2016

SMA/CK/AR-CS2/24.11.2016:3P/7C