



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

Thursday, the Tenth day of November Two Thousand Sixteen

PRESENT

WEB COPY

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

CRL MP (MD) No.10976 of 2016
IN
CRL RC (MD) No.766 of 2016

RAVICHANDRAN

... PETITIONER/PETITIONER/
APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT
(CRIME NO.588 OF 2001)

... 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 pass an order to suspend the sentence imposed on the petitioner learned Mahalir Fast Track Judge, Nagercoil, kanyakumari District dated 22.08.2016 made in C.A.No.121 of 2011 while confirming the order of conviction and sentence as imposed on him by the learned Principal Assistant Sessions Judge, Nagercoil, Kanyakumari district made in S.C.No. 77 of 2002 dated 17.11.2011 forthwith

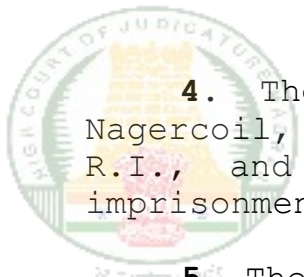
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.PALANI VELAYUTHAM, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate (Crl.Sid) on behalf of the Respondent and the Court made the following order:-

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 S.T.C.No.77 of 2002, on the file of the Principal Assistant Sessions Court, Nagercoil, Kanyakumari District.

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

Conviction	Sentence
Section 326 IPC	2 Years R.I. + Fine Rs.2000/- i/d 6 Months R.I.



4. The learned Sessions Judge, Mahalir Fast Track Court, Nagercoil, Kanyakumari District, modified the sentence as one year R.I., and a fine of Rs.1000/- in default two months simple imprisonment and partly allowed the Criminal Appeal No.121 of 2011.

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 fine amount had already been paid.

6. The learned Government Advocate (Criminal Side) has not chosen to file counter, but 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 and raised objection for granting the order of suspension.

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, till the disposal of the Revision.

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

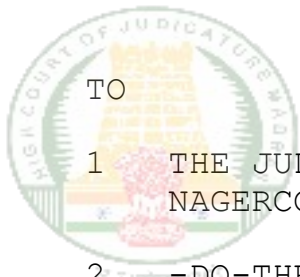
- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court and modified by the Appellate Court alone is suspended.
- (iii) There shall be two sureties and they shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District.
- (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/-

10/11/2016

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
NAGERCOIL, KANYAKUMARI DISTRICT.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI @ NAGERCOIL.

3 THE SESSIONS JUDGE,
MAHALIR FAST TRACK COURT, NAGERCOIL,
KANYAKUMARI DISTRICT.

4 THE PRINCIPAL ASSISTANT
SESSIONS JUDGE, NAGERCOIL, KANYAKUMARI DISTRICT.

5 THE INSPECTOR OF POLICE,
KOTTAR POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT

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

+1. C.C. to M/S.S.PALANI VELAYUTHAM, Advocate SR.No.67304.

ORDER IN
CRL MP (MD) No.10976 of 2016
IN
CRL RC (MD) No.766 of 2016
Date :10/11/2016

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