



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

Thursday, the Tenth day of November Two Thousand Sixteen

PRESENT

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

CRL MP(MD) No.11015 of 2016

IN

CRL RC(MD) No.770 of 2016

1 K.DHAS,
2 M.DAVID

..PETITIONERS/PETITIONERS

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CR.NO. 403 OF 2002

..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 imposed in Judgment in CA No.142 of 2006 dated 20.07.2016 by the Learned Mahila Fast Track Court, Nagercoil modifying the order of conviction and sentence to undergo one year Rigorous imprisonment and to pay fine of Rs.1000/- in default to undergo one year Rigorous imprisonment passed by the Learned Assistant Sessions Judge, Kuzhithurai dated 20.06.2006 in SC.NO.36 of 2004 under Sections 326 of Indian Penal Code till the disposal of Crl.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.T.LAJAPATHI ROY, Advocate for the petitioner and of Mr.P.KANDASAMY, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

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

2. The revision petitioners are accused in S.C.No.36 of 2004, on the file of the learned Assistant Sessions Judge, Kuzhithurai.

3. In the said Court, the petitioners have been convicted and sentenced as under:

Conviction	Sentence
Section 326 IPC.	Each 3 Years R.I., and fine of Rs.1000/- each, in default, 1 Year R.I.



4. The Learned Sessions Judge, Fast Track (Mahila) Court, Nagercoil, partly allowed the Criminal Appeal No.142 of 2006, by modifying the sentence from 3 Years R.I., To 1 Year R.I., and confirmed the conviction.

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5. The learned counsel for the petitioners 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 petitioners. He would further submit that fine amount had already been paid.

6. The learned Government Advocate (Criminal Side) submitted that the Trial Court as well as the Appellate Court had rightly convicted and appropriately punished the revision petitioners. There is no *prima facie* case in favour of the petitioners/appellants. However, he has not raised any serious objection.

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. I see *prima facie* case. I am inclined to grant revision bail to the petitioners.

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, and each petitioners shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Judicial Magistrate No.1, Kuzhithurai.
- (iv) The petitioners 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 ASSISTANT SESSIONS JUDGE, KUZHITHURAI, KANYAKUMARI DISTRICT.



2 THE SESSIONS JUDGE, FAST TRACK (MAHILA) COURT, NAGERCOIL.

3 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
KANYAKUMARI AT NAGERCOIL.

4 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI, KANYAKUMARI DISTRICT.

5 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.

6 THE INSPECTOR OF POLICE, KALIYAKKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. C.C. to M/S.T.LAJAPATHI ROY Advocate SR.No.67821

ORDER IN

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IN

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Date :10/11/2016

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