



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

Monday, the Fourteenth day of November Two Thousand Sixteen
PRESENT

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

CRL MP(MD) No.11075 of 2016

IN

CRL RC(MD) No.775 of 2016

SUDALAI ESWARAN

... PETITIONER/APPELLANT/
SINGLE ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI,
CRIME NO.500 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 enlarge the petitioner on bail by suspending the sentence imposed by judgment delivered by the Learned Judicial Magistrate NO.V, Tirunelveli in CC.No.42 of 2015 vide his judgment dated 31.07.2015 and which has been subsequently modified by the learned Additional Sessions Judge/III Additional Sessions Court, Tirunelveli in CA.NO. 90 of 2015 vide his judgment dated 05.10.2016 pending disposal of the main Crl. OP.

Order :This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.P.SAMUEL GUNASINGH, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate(Crl.Side) 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.

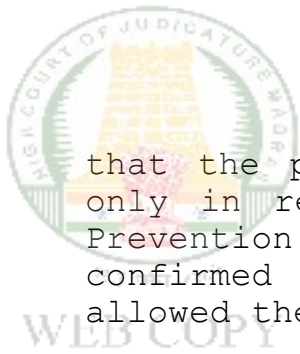
2. The revision petitioner is an accused in C.C.No.42 of 2015, on the file of the learned Judicial Magistrate No.V, Tirunelveli.

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

Convictions	Sentences
Section 294(b) IPC	3 Months S.I.
Section 4 of Tamil Nadu Prevention of Harassment of Women Act	3 Years R.I. + Fine Rs.10,000/- i/d. 6 Months S.I.

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

4. The learned Additional Sessions Judge / III Additional Sessions Court, Tirunelveli modified the conviction to the effect



that the petitioner shall undergo six months Simple Imprisonment only in respect of the offence under Section 4 of Tamil Nadu Prevention of Harassment of Women Act, towards the petitioner and confirmed the conviction in respect of other sentence and partly allowed the Criminal Appeal No.90 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 fine amount was already paid.

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 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.V, Tirunelveli.
- (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/-

14/11/2016

/ TRUE COPY /

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



TO

1 THE ADDITIONAL SESSIONS JUDGE / III ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.

2 -DO-THRO' THE PRINCIPAL SESSIONS JUDGE, TIRUNELVELI.

3 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.

4 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

5 THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION, TIRUNELVELI.

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

+1. C.C. to M/S.P.SAMUEL GUNASINGH. Advocate SR.No.68501.

ORDER IN
CRL MP(MD) No.11075 of 2016
IN CRL RC(MD) No.775 of 2016
Date :14/11/2016

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