



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

Thursday, the Seventeenth day of November Two Thousand Sixteen

PRESENT

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

CRL MP (MD)Nos.11231 & 11232 of 2016

IN

CRL RC (MD)Nos.782 & 783 of 2016

K.M.SALEEM KHAN

..PETITIONER/REVISION PETITIONER/
APPELLANT/ACCUSED NO.3
in Cr1.MP (MD)No.11231/2016
in Cr1.RC (MD)No.782/2016

KARUPPIAH

..PETITIONER/REVISION PETITIONER/
APPELLANT/ACCUSED NO.1
in Cr1.MP (MD)No.11232/2016
in Cr1.RC (MD)No.783/2016

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
SIVAGANGAI.
CR.NO.15 OF 2006 RESPECTIVELY

..RESPONDENT/REVISION RESPONDENT/
RESPONDENT/COMPLAINANT
in Both the Petitions

Prayer in CRL MP (MD)Nos.11231 & 11232/2016
IN CRL RC (MD)Nos.782 & 783/2016:-

Petitions praying that in the circumstances stated therein and in the petitions filed therewith the High Court will be pleased to suspend the Execution of sentence by granting bail in CA.No.20 of 2014 dated 04.11.2016 on the file of Mahila Court (Fast Track) Sivagangai, Sivagangai District in CC.NO.40 of 2012 dated 27.03.2014 on the file of the Learned Judicial Magistrate Court No.2, Sivagangai, Sivagangai District till the disposal of the Criminal Revision Petition respectively.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.THAGARAJAN, Senior Counsel for Mr.R.SENTHIL KUMAR, Advocate for the petitioners in both the petitions and of Mr.P.KANDASAMY, Government Advocate (Cr1.Side) on behalf of the Respondent in both the petitions, 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 C.C.No.40 of 2012, on the file of the learned Judicial Magistrate No.2, Sivagangai, Sivagangai District.

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

Conviction	Sentence
Section 420 IPC	Each 2 Years S.I. + Fine Rs.1000 i/d. 1 Month S.I.

4. The Mahila Court (Fast Track), Sivagangai, Sivagangai District, confirmed the conviction and sentence imposed by the trial Court and dismissed the Criminal Appeal No.20 of 2014.

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 further submitted that fine amount was 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 petitioners. There is no *prima facie* case in favour of the petitioners/appellants.

7. I have anxiously considered the submissions of Mr.P.Aju Tagore, the learned counsel for the petitioners and Mr.P.Kandasamy, the learned Government Advocate (Crl.side) for the respondent, perused the averments in the bail petitions, 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 revisions. They are required to be examined in detail in the main criminal revisions. It will take some time for the disposal of this criminal revisions. I see *prima facie* case. Further, the petitioners were on bail in the Trial Court. I am inclined to grant revision bail to the petitioners, 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 they shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Judicial Magistrate No.II, Sivagangai.



(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/-

17/11/2016

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/ TRUE COPY /

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

TO

- 1 THE MAHILA FAST TRACK JUDGE, MAHILA FAST TRACK COURT,
SIVAGANGAI.
- 2 THE JUDICIAL MAGISTRATE NO.II, SIVAGANGAI.
- 3 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.
- 4 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 5 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, SIVAGANGAI.
- 6 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 7 THE OFFICER-IN-CHARGE, DISTRICT JAIL, SALEM.

+2. C.C. to M/S.R.SENTHIL KUMAR Advocate SR.No.69658 & 69659

ORDER IN

CRL MP(MD)Nos.11231 & 11232 of 2016

IN CRL RC(MD)Nos.782 & 783 of 2016

Date :17/11/2016

PBK/SS-3/SAR-III 17/11/2016 ::3P-10C: (IT)