



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

Tuesday, the Twenty Ninth day of November Two Thousand Sixteen
PRESENT

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

CRL MP(MD) No.11806 of 2016
IN
CRL RC(MD) No.809 of 2016

MANONMANI ... PETITIONER/PETITIONER

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
PUDHUKKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.350/1998) ... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspending the sentence imposed upon the petitioner in S.C.No.103 of 2003 on the file of the Learned Assistant Sessions Judge, Kuzhithurai, Kanyakumari District dated 10.08.2009, which has been partly confirmed in Crl.A.No.38 of 2009 dated 30.06.2016 by the Learned Sessions Judge/Fast Track Mahila Court, Nagercoil, Kanyakumari District, by Judgment dated 30.06.2016, pending disposal of the main Crl. Revision Petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.THIRUVADIKUMAR, 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 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.C.No.103 of 2003, on the file of the learned Assistant Sessions Judge, Kuzhithurai, Kanyakumari District.

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

Conviction	Sentence
Section 436 IPC., https://hcservices.ecourts.gov.in/hcservices/	3 Years R.I. + Fine of Rs.1000/- i/d. 6 Months R.I.



4. The learned Sessions Judge / Mahila Fast Track Court, Nagercoil, Kanyakumari District, reduced the sentence to 2 years R.I., and set aside the fine amount, imposed by the trial Court and partly allowed the Criminal Appeal No.38 of 2009.

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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 imposed by the trial Court was initially paid and thereafter, on appeal, it was set aside by the lower appellate Court.

6. I have anxiously considered the submissions of the learned counsel for the petitioner, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

7. 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.

8. 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 lower Appellate Court alone is suspended.

(iii) There shall be two sureties, and they shall execute a bond for a sum of Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Judicial Magistrate No.II, 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/-

29/11/2016

/ TRUE COPY /



TO

1 THE ASSISTANT SESSIONS JUDGE,
KUZHITHURAI, KANYAKUMARI DISTRICT.

2 THE SESSIONS JUDGE /FAST TRACK MAHILA COURT, NAGERCOIL,
KANYAKUMARI DISTRICT.

3 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.

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

5 THE INSPECTOR OF POLICE,
PUDHUKKADAI POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. C.C. to M/S.A.THIRUVADIKUMAR, Advocate SR.No.73941.

ORDER IN
CRL MP(MD) No.11806 of 2016
IN CRL RC(MD) No.809 of 2016
Date :29/11/2016

msm/ss3/sarCO/29.11.16/p3/8c