



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

Friday, the Twenty Third day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP (MD) No.1193 of 2016
IN
CRL A (MD) No.42 of 2016

SASIKUMAR

... PETITIONER/APPELLANT

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
NAMANASAMUTHIRAM POLICE STATION,
THIRUMAYAM TALUK,
PUDUKKOTTAI DISTRICT.
(CRIME NO.52/2011)

... 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 on the petitioner by the Sessions Judge, Mahila Court, Pudukkottai in S.C.No. 8 of 2012 dated 27.12.2012 and release the petitioner on bail pending disposal of the above Crl.A.

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

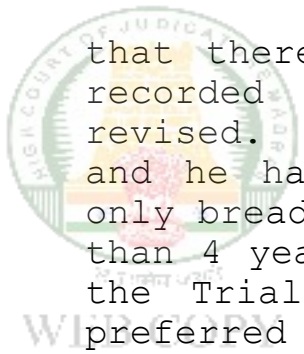
Petitioner/Accused in S.C.No.8 of 2012, on the file of learned Sessions Judge, Mahila Court, Pudukkottai, while challenging the conviction and sentence, seeks appeal bail under Section 439 of Cr.P.C.

2. After trial, the Petitioner/Accused has been convicted and sentenced as under:

Conviction	Sentence
Section 304 Part I I.P.C.	10 years R.I. + Fine Rs.10,000/-, i/d 2 years R.I.
Section 404 I.P.C.	2 years R.I.

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

3. The learned Legal Aid Counsel for the petitioner submitted



that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He further submitted that the petitioner is innocent and he has not committed any offence. The petitioner is the only breadwinner of the family and he has been in jail for more than 4 years. He further submitted that though the judgment of the Trial Court was dated 27.12.2012, the appeal has been preferred before this Court only in the year 2015.

4. The learned Government Advocate (Criminal Side) filed counter affidavit and submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner.

5. In the facts and circumstances, perusing the impugned Judgment and the materials on record and also considering the submissions made on either side, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal. Further, now the petitioner was confined at Central Prison, Trichy, by which, the necessity to consider this petition arises. On considerations, ordered as under:

- (i) appeal bail granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the likesum each to the satisfaction of the learned Judicial Magistrate, Thirumayam.
- (iii) 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/-
23/09/2016

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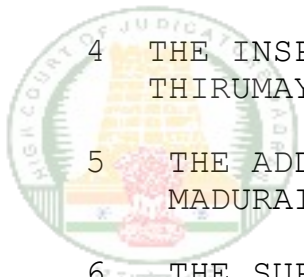
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THS SESSIONS JUDGE, MAHILA COURT, PUDUKKOTTAI

2 THE JUDICIAL MAGISTRATE, THIRUMAYAM,

<https://hcservices.mca.gov.in/hcservices/>
3 THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI



4 THE INSPECTOR OF POLICE, NAMANASAMUTHIRAM POLICE STATION,
THIRUMAYAM TALUK, PUDUKKOTTAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

6 THE SUPERINTENDENT CENTRAL PRISON, TRICHY

+1. C.C. to M/S S.ARIVALAGAN Advocate SR.No.55423

GJM/SK/SKN/AR-I-26.9.16-3P-8C

ORDER

IN

CRL MP (MD) No.1193 of 2016

IN

CRL A (MD) No.42 of 2016

Date :23/09/2016