



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

Friday, the Second day of December Two Thousand Sixteen

PRESENT

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

CRL MP(MD) No.11973 of 2016
IN
CRL A(MD) No.462 of 2016

BALAMURUGAN

... PETITIONER/SOLE ACCUSED

Vs

THE STATE REP.BY
THE ASSISTANT SUPERINTENDENT OF POLICE,
MAYILADUTHURAI SUB DIVISION,
NAGAPATTINAM DISTRICT
(CRIME.NO.114 OF 2015)

... RESPONDENT/COMPLAINANT

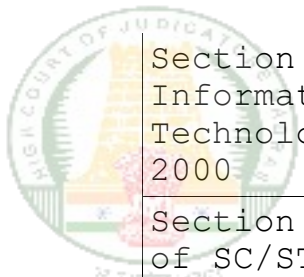
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the appellant in S.C.No.85 of 2015 dated 04.11.2016 on the file of the learned 1st Additional District and Sessions Judge.(PCR) Thanjavur convicting and sentencing the appellant to undergo one year R.I. and shall also suffer a fine of Rs.1000 in default, the appellant shall undergo 3 months S.I. for the offence punishable u/s. 354-C. of IPC and also convicting me to undergo 1 year R.I. and shall also suffer a fine of Rs.5000 i/d 3 months S.I. u/s 66- E IT Act 2000, 3 years R.I. and to pay a fine of Rs.5000/- i/d 6 months S.I. u/s 3(1) (xi) of SC/ST (POA) Act 1989 pending disposal of the above criminal appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.B.JAMEEL ARASU, Advocate for the petitioner and of Mr.P.Kandasamy, Advocate for the respondent while admitting the Crl.A., the court made the following order:-

The accused in S.S.C.No.85 of 2015, on the file of Court of the learned 1st Additional District and Sessions Judge (PCR) Thanjavur, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 354-C IPC.,	1 Year R.I. + Fine Rs.1,000/-, i/d 3 Months S.I.



Section 66-E of Information Technology Act, 2000	1 Year R.I. + Fine Rs.5,000/-, i/d 3 Months S.I.
Section 3(1)(xi) of SC/ST (POA) Act, 1989.	3 Years R.I. + Fine Rs.5,000/-, i/d 6 Months S.I.

3. The learned 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 would further submit that fine amount had already been paid.

4. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner, however, there is no serious objection on the side of the respondent in ordering the suspension of sentence.

5. In the facts and circumstances, perusing the impugned Judgment and the materials on record, 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. 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.15,000/- (Rupees Fifteen Thousand Only) with two sureties for the like sum each to the satisfaction of the Court of Judicial Magistrate No.2, Mayiladuthurai.

(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/-
02/12/2016

/ TRUE COPY /

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



TO

1 THE I ADDITIONAL DISTRICT AND
SESSIONS JUDGE (PCR) THANJAVUR

2 THE JUDICIAL MAGISTRATE NO.2
MYLADUTHURAI

3 -do-thro THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR AT KUMBAKONAM

4 THE ASSISTANT SUPERINTENDENT OF POLICE,
MAYILADUTHURAI SUB DIVISION,
NAGAPATTINAM DISTRICT

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

+1. C.C. to M/S.S.B.JAMEEL ARASU Advocate SR.No.79252

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ORDER

IN

CRL MP (MD) No.11973 of 2016

IN

CRL A (MD) No.462 of 2016

Date :02/12/2016