



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

Thursday, the Twenty Third day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.2410 of 2016
IN
CRL RC(MD) No.169 of 2016

MOHAN

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE
EAST POLICE STATION,
THANJAVUR.
(CRIME NO. 134/2010)

... 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 of Imprisonment passed by the learned I-Additional District and Sessions Judge (PCR) Thanjavur in Crl.A.No. 22 of 2013 by the Judgment dated 26.08.2015, confirming the learned Additional Assistant Sessions Judge, Thanjavur in S.C.No. 224 of 2010 by the Judgment dated 24.01.2013 and enlarge the Petitioner on bail, pending disposal of the Crl.R.C.

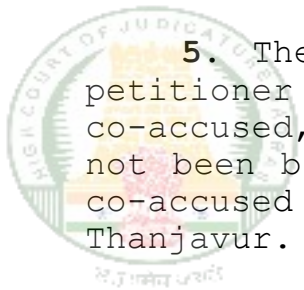
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S M.KARUNANITHI, Advocate for the petitioner and M/S.P.KANDASAMY Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

A3 in the Sessions Case in S.C.No.224 of 2010, on the file of the learned Additional Assistant Sessions Judge, Thanjavur, while challenging his conviction and sentence, seeks revision bail under Section 397(1) Cr.P.C.

2. In the said Court, he was found guilty under Section 397 I.P.C., and sentenced to 7 years R.I.

3. The learned I Additional Sessions Judge (P.C.R.), Thanjavur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.22 of 2013.

4. In this case, the accused persons, who are employed under P.W.1, who is the son of P.W.2 were alleged to have robbed valuable items from P.W.2. It is alleged that when the robbery was committed, the petitioner / A3 was caught near the scene of crime.



5. The learned counsel for the petitioner contended that the petitioner has been implicated based on the confession given by the co-accused, besides it being inadmissible. The very confession has not been brought in evidence. Further, the criminal appeal of the co-accused has been allowed by the learned Sessions Judge, Thanjavur.

6. On the other hand, the learned Government Advocate (Criminal Side) submitted that the petitioner is concerned in a serious property offence. The victim spoken about the offence committed. There is ample evidence to show that the petitioner also participated in the robbery.

7. In the facts and circumstances, considering the materials on records, on perusing the evidence of P.W.2 and noting serious accuisitions made against the petitioners, I do not find *prima facie* case in favour of the petitioner. In such view of the matter, this is not a fit case for grant of revision bail.

Accordingly, this petition is dismissed.

sd/-
23/06/2016

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

TO

- 1 THE I ADDITIONAL SESSIONS JUDGE, (P.C.R), THANJAVUR.
- 2.THE ADDITIONAL ASSISTANT SESSIONS JUDGE, THANJAVUR.
3. THE INSPECTOR OF POLICE EAST POLICE STATION, THANJAVUR.
- 4 THE GOVERNMENT ADVOCATE (CRIMINAL SIDE)
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL MP (MD) No.2410 of 2016
IN
CRL RC (MD) No.169 of 2016
Date : 23/06/2016

SDR/DB/SAR II/29.06.2016/2P/5C