



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

Monday, the Twentieth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.3906 of 2016

IN

CRL RC(MD) No.290 of 2016

DHAKSHINAMURTHY

..PETITIONER/PETITIONER

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

CBCID, THANJAVUR.

CR. NO.9/2006

..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 made in C.A.No.40/2015 on the file of the Learned Principal Sessions Judge, Thanjavur dated 15.03.2016 confirming the judgment made in C.C.No.181/2010 on the file of the Learned Judicial Magistrate, Thiruvaiyaru, dated 22.6.2015 pending disposal of the above 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.C.JEGANATHAN, 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 revision petitioner, who has been convicted, under Section 471 r/w 468 I.P.C., in C.C.No.181 of 2010, by the learned Judicial Magistrate, Thiruvaiyaru, and sentenced to 1 year S.I., and fined Rs.1,000/-, i/d two weeks S.I., which has been confirmed by the learned Principal Sessions Judge, Thanjavur, seeks revision bail under Section 397(1) Cr.P.C.

2. According to the learned counsel for the revision petitioner, the Trial Court as well as the Appellate Court have overlooked certain vital aspects and it missed the points, which ought to have been taken into account. Thus, there is legal flaw. There is a *prima facie* case in favour of the petitioner.

3. The learned Government Advocate (Criminal Side) submitted that the Trial Court as well as the Appellate Court have rightly convicted and appropriately punished the revision petitioner. There is no *prima facie* case in his favour.

4. The court has anxiously considered the rival submissions, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.



5. Very many legal aspects and technical issues have been raised, which are required to be examined in detail in the revision. It will take sometime for its disposal. I find *prima facie* case in favour of the petitioner. I am inclined to grant him revision bail.

6. 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 Appellate Court alone is suspended.
- (iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) each to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru.
- (iv) 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/-

20/06/2016

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

2 THE JUDICIAL MAGISTRATE, THIRUVAIYARU,
THANJAVUR DISTRICT.

3 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE, CBCID, THANJAVUR.

5 THE GOVT. ADVOCATE (CRL.SIDE, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S C.JEGANATHAN Advocate SR.No.31561

ORDER IN
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IN
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Date :20/06/2016

PBK/GSV-PM/SAR-I 21/06/2016 ::2P-7C::