



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

Wednesday, the Eighth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.4325 of 2016
IN
CRL RC(MD) No.339 of 2016

KRISHNADAS

... PETITIONER

Vs

THE STATE REP. BY
THE SUB INSPECTOR OF POLICE
TRAFFIC INVESTIGATION WING POLICE STATION,
NAGERCOIL.
(CR.NO. 43 OF 2007)

... RESPONDENT

Prayer : 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 by the Learned Judicial Magistrate No. 3, Nagercoil in S.T.C.No. 2823 of 2007 dated 19.11.2009 and the confirming judgement of conviction and sentence passed by the Learned Mahila Fast Track Court, Nagercoil dated 01.04.2016 in C.A.No. 64 of 2009 and enlarge the petitioner on bail pending disposal of the main revision

Prayer in Crl.RC(MD)No.339 of 2016 :

To call for records relating to judgment passed by the Learned Mahila Fast Track Court, Nagercoil dated 01.04.2016 in C.A.No.64 of 2009 confirming the judgment passed by the Learned Judicial Magistrate No.3, Nagercoil in S.T.C.No.2823 of 2007 dated 19.11.2009 and set aside the same.

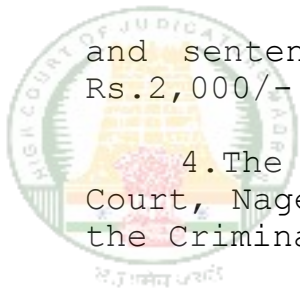
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S N.DILIP KUMAR, Advocate for the petitioner and of Mrs.S.Prabha, Government Advocate (Crl.Side) on behalf of the Respondent and the court made the following order:-

The revision petitioner challenges the legality and propriety of the conviction and sentence recorded by the trial Court as well as the appellate Court.

2.The revision petitioner is the accused in a case under Section 304-A I.P.C. in S.T.C.No.2823 of 2007.

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

3.The learned Judicial Magistrate No.III, Nagercoil convicted



and sentenced the petitioner to undergo 3 month S.I. plus fine Rs.2,000/- i/d 1 month S.I.

4.The learned Additional Sessions Judge, Mahila Fast Track Court, Nagercoil confirmed the conviction and sentence and dismissed the Criminal Appeal No.64 of 2009.Fine amount has been paid.

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.

6.On the other hand, the learned Government Advocate (Criminal side) would submit that the conviction recorded by the trial Court as well as the appellate Court are perfectly correct and they require no disturbance.

7.In the facts and circumstances, 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 at the main criminal revision. It will take some time for the disposal of this Criminal revision. Further, the petitioner was on bail in the trial Court. I see prima facie case. I am inclined to grant revision bail to the petitioner.

8.In view of the above, ordered as under:

(1) Revision bail granted.

(2) Sentence of imprisonment awarded by the learned Judicial Magistrate No.III, Nagercoil in S.T.C.No.2823 of 2007 as confirmed by the learned Additional Sessions Judge, Fast Track Mahila Court, Nagercoil in Crl.A.No.64 of 2009 alone is suspended.

(3) There shall be two sureties, who shall execute a bond for Rs.10,000/- (Rupees Ten thousand only) each as well as by the petitioner to the satisfaction of the learned Judicial Magistrate No.III, Nagercoil.

(4) 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/-
08/06/2016

/ TRUE COPY /

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



TO

1 THE ADDITIONAL SESSION JUDGE,
FAST TRACK MAHILA COURT, NAGERCOIL.

2 THE PRINCIPAL SESSIONS JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL

4 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

5 THE SUB INSPECTOR OF POLICE
TRAFFIC INVESTIGATION WING POLICE STATION, NAGERCOIL.

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

+1. C.C. to M/S N.DILIP KUMAR Advocate SR.No.28670

SJ

JM/AAL-MPA/SAR-III/09.06.2016/3P-8C

ORDER

IN

CRL MP (MD) No.4325 of 2016

IN

CRL RC (MD) No.339 of 2016

Date :08/06/2016