



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

Friday, the Ninth day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP (MD) No.4467 of 2016
IN
CRL A (MD) No.197 of 2016

KRISHNAN @ KITTU

... PETITIONER/APELLANT

Vs

STATE

REP BY THE INSPECTOR OF POLICE

KARAIYUR POLICE STATION, PUDUKKOTTAI DISTRICT.

(CRIME NO.46/2010)

... 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 imposed by the Learned District Sessions Judge Mahila Court Pudukkottai in S.C. No.27 of 2013 by the Judgement dated 13.3.2014 and enlarge the petitioner/Appeallant on bail pending disposal of the above said Crl.A.(MD)No.197 of 2016.

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

The sole accused in S.C.No.27 of 2013, on the file of the learned District Sessions Judge (Mahila Court), Pudukkottai, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

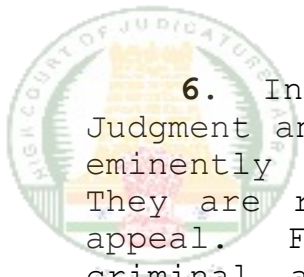
2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 376 I.P.C.	10 years R.I. + Fine Rs.5,000/-, i/d 6 Months R.I.

3. Fine amount has been paid.

4.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.

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



6. 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. 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.

Post the Criminal Appeal on 28.09.2016.

sd/-
09/09/2016

/ TRUE COPY /

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

TO

- 1.THE DISTRICT SESSIONS JUDGE (MAHILA COURT), PUDUKKOTTAI
- 2.THE JUDICIAL MAGISTRATE, THIRUMAYAM
- 3.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT
- 4.THE SUPERINTENDENT, CENTRAL PRISON,TRICHY
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
- 6.THE INSPECTOR OF POLICE
KARAIYUR POLICE STATION, PUDUKKOTTAI DISTRICT.

+1. C.C. to M/S M.KARUNANITHI Advocate SR.No.51260
RL/8C/2P/CK/SAR3/12/9/2016

ORDER
IN
CRL MP (MD) No.4467 of 2016
IN
CRL A (MD) No.197 of 2016
Date :09/09/2016