



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

Wednesday, the Twenty First day of September Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP (MD) No.4895 of 2016
IN
CRL A (MD) No.220 of 2016

KANAGARAJ

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION SOUTH,
MADURAI.
CR. NO.3/2009

... 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 imposed in S.C.No.227/2010 dated 17.5.2016 on the file of the Learned District and Sessions Judge Mahila Madurai Mahalir Needhi Mandram pending disposal of the above Crl.A.

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

The sole accused in S.C.No.227 of 2010, on the file of the learned District and Sessions Judge, (Mahila), Madurai, while challenging his conviction and sentence, seeks appeal bail under Section 374(2) Cr.P.C.

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

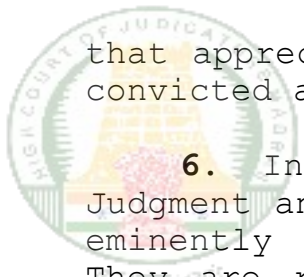
Conviction	Sentence
Section 376 I.P.C.	10 years R.I. + Fine Rs.5,000/-, i/d 6 Months S.I.

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.

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

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, the petitioner is in custody for more than 120 days, 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 District & Sessions Judge (Mahila) Court, Madurai.

(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/-
21/09/2016

/ TRUE COPY /

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

TO

1. THE DISTRICT AND SESSIONS JUDGE
(MAHILA) (MAHALIR NEETHI MANDRAM),
MADURAI.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION SOUTH,
MADURAI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+ 1 CC TO M/S.A.S.RAJESWARI, ADVOCATE IN SR No. 54280

ORDER IN
CRL MP(MD) No.4895 of 2016
IN
CRL A(MD) No.220 of 2016
Date :21/09/2016