



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

Tuesday, the Twenty First day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.4949 of 2016
IN
CRL RC (MD) No.417 of 2016

S.THANGAMAYAN

... PETITIONER/APPELLANT/
ACCUSED 3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
VALANDHUR POLICE STATION,
MADURAI DISTRICT.
CR. NO.90/10

... RESPONDENT/RESPONDENT/
COMPLAINANT

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 against the petitioner by the Learned J.M. No.II, Usilampatti in C.C. No.70/211 vide order dated 28.9.2012 and the conviction and sentence confirmed and modified by the Learned Vth Additional District and Sessions Judge, Madurai in C.A.no.71/12 vide order dated 15.4.2016 and enlarge the petitioner on bail pending the above Criminal Revision Petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S N.KARTHIK KANNA, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate, on behalf of the Respondent while admitting the Crl.RC, the court made the following order:-

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



2.The revision petitioner is A3 in a cheating case in C.C.No.70 of 2011.

3.The learned Judicial Magistrate No.II, Usilampatti convicted the petitioner and sentenced him as under:

Conviction	Sentence
Section 468 r/w 34 I.P.C.	2 years R.I. plus fine Rs.1,000/- i/d 15 days S.I.
Section 471 I.P.C.	2 years R.I. plus fine Rs.1,000/- i/d 15 days S.I.
Section 420 I.P.C.	3 years R.I. plus fine Rs.2,000/- i/d 15 days S.I.
Section 294(b) I.P.C.	Fine Rs.500/- i/d 15 days S.I.
Section 506(i) I.P.C.	3 months R.I. plus fine Rs.500/- i/d 15 days S.I.

All the sentences were directed to run concurrently.

4.The learned V Additional Sessions Judge, Madurai set aside the conviction and sentence made against the petitioner for offences under Sections 468, 471, 506(i), 294(b) & 34 I.P.C. and modified the sentence imposed under Section 420 I.P.C. to 6 months S.I.

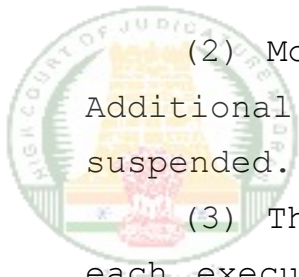
5.The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the trial Court and by the appellate Court and they are required to be revised.

6.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.

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

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

(1) Revision bail granted.



(2) Modified sentence of imprisonment awarded by the learned V Additional Sessions Judge, Madurai in CrI.A.No.71 of 2012 is suspended.

(3) There shall be two sureties, they and the petitioner shall each execute a bond for Rs.10,000/- (Rupees Ten thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Madurai.

(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/-
21/06/2016

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI, MADURAI DISTRICT.
 2. THE VTH ADDITIONAL DISTRICT AND SESSIONS JUDGE,
MADURAI.
 3. THE INSPECTOR OF POLICE,
VALANDHUR POLICE STATION,
MADURAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. C.C. to M/S N.KARTHIK KANNA Advocate SR.No. 31763

ORDER
IN
CRL MP(MD) No.4949 of 2016
IN
CRL RC(MD) No.417 of 2016
Date :21/06/2016

SJ
TE/AAL-MPA/SAR-I : 21/06/2016 : 3P/6C