



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

Thursday, the Twenty Third day of June Two Thousand Sixteen
PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.5058 of 2016

IN

CRL RC(MD) No.435 of 2016

S. RAJENDRAN

... PETITIONER/REVISION PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION,
CR NO. 72/2008.

... 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 execution of sentence in C.A.No.2 of 2016 dated 02.04.2016 on the file of the Learned II Additional District and Sessions Judge, Thanjavur reversing the Judgement of the Learned Judicial Magistrate No. 2 Thanjavur in C.C.No.185 of 2008 dated 11.02.2008 pending disposal of the 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.K.K.RAMAKRISHNAN, Advocate for the petitioner and of MR.P.KANDASAMY, Govt.Advocate(Crl.Side) on behalf of the Respondents the court made the following order:-

The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioner is an accused in C.C.No.185 of 2008, on the file of the learned Judicial Magistrate No.II, Thanjavur.

3. In the said Court, the petitioner has been convicted and sentenced as under:

Conviction	Sentence
Section 279 I.P.C.	3 months S.I.
Section 338 I.P.C.	6 months S.I.
Section 304-A I.P.C. (2 Counts)	1 year S.I. (for each count) + fine of Rs.2,000/-, i/d 1 month S.I.

4. All the sentences were directed to run concurrently. Fine amounts were paid.

5. The learned II Additional Sessions Judge, Thanjavur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.2 of 2016.



6. 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. There is *prima facie* case in favour of the petitioner.

7. 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.

8. I have anxiously considered the rival submissions, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

9. 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 the disposal of the revision. I find *prima facie* case in favour of the petitioner. I am inclined to grant him revision bail.

10. 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.20,000/- (Rupees twenty thousand only) each to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur.
- (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/-
23/06/2016

/ TRUE COPY /

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

TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, THANJAVUR.
- 2 DO-THRO' THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.
- 3 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.
- 4 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.
- 5 THE INSPECTOR OF POLICE
THANJAVUR TALUK POLICE STATION, THANJAVUR.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S K.K.RAMAKRISHNAN Advocate SR.No.32397

ORDER IN
CRL MP(MD) No.5058 of 2016 IN
CRL RC(MD) No.435 of 2016
Date :23/06/2016