



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.5084 of 2016
IN
CRL RC(MD) No.436 of 2016

KUMAR

... PETITIONER/PETITIONER

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
VELAYUTHAMPALAYAM POLICE STATION,
KARUR DISTRICT.
(CRIME NO. 300/2006)

... RESPONDENT/RESPONDENT

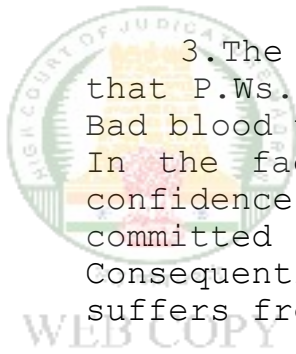
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed upon the petitioner by the Learned Mahalir Fast Track Court, Karur in Criminal Appeal No. 21 of 2013 dated 06.01.2016 partly allowed the appeal and modifying the conviction and sentence imposed by the Learned Principal Assistant Sessions Judge, Karur in Sessions Case No. 50 of 2007 dated 29.07.2013 pending disposal of the above Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S G.THALAIMUTHARASU, 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 by the appellate Court.

2.The revision petitioner/A1 is alleged to have stabbed his father-in-law/P.W.2 with an aim to kill him. However, his father-in-law has providential escape.

3.He was convicted under Section 307 I.P.C. and sentenced to 7 years R.I. and fined Rs.1,000/- with default sentence by the trial Court in S.C.No.50 of 2007. However, the sentence was reduced to 4 years R.I. in appeal in Crl.A.No.21 of 2013 by the Additional Sessions Judge, Fast Track Mahila Court, Karur. The fine amount has already been paid.



3.The learned counsel for the revision petitioner would contend that P.Ws.1 to 3 are closely related and they are highly motivated. Bad blood was brewing between both side and there is a counter case. In the facts and circumstances, these witnesses does not inspire confidence in them. In such view of the matter, both the Courts have committed error in viewing the matter in proper perspective. Consequently, the conviction and the sentence recorded by them suffers from legality.

4.On thee other hand, the learned Government Advocate (Criminal side) would submit that the petitioner did not spare his father-in-law. Even he was not present in the appellate Court. He was absent.

5.I have anxiously considered the rival submissions, perused the impugned judgments and the materials on record.

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.

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

(1) Revision bail granted.

(2) Modified sentence of imprisonment awarded by the learned Additional Sessions Judge, Fast Track Mahila Court, Karur in CrI.A.No.21 of 2013 is suspended.

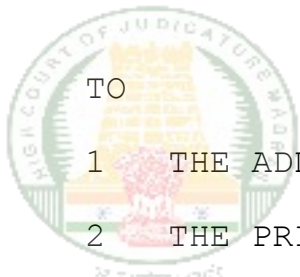
(3) There shall be two sureties, they and the petitioner shall execute a bond for Rs.20,000/- (Rupees Twenty thousand only) each to the satisfaction of the learned Principal Assistant Sessions Judge, Karur.

(4) The petitioner shall stay at Trichy and appear before the Inspector of Police, Trichy Cantonment Police Station daily at 10.30 a.m. until further orders.

sd/-
24/06/2016

/ TRUE COPY /

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



TO

1 THE ADDITIONAL SESSIONS JUDGE, FAST TRACK MAHILA COURT, KARUR

2 THE PRINCIPAL ASSISTANT SESSIONS JUDGE, KARUR.

3 THE INSPECTOR OF POLICE, VELAYUTHAMPALAYAM POLICE STATION,
KARUR DISTRICT.

4 THE INSPECTOR OF POLICE,
TRICHY CANTONMENT POLICE STATION, TRICHY.

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

+1. C.C. to M/S G.THALAIMUTHARASU Advocate SR.No.32702

sj

JM/GSV-PM/SAR-III/27.06.2016/3P-7C

ORDER

IN

CRL MP (MD) No.5084 of 2016

IN

CRL RC (MD) No.436 of 2016

Date :24/06/2016