



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

Friday, the Nineteenth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.5403 of 2016

IN

CRL RC(MD) No.471 of 2016

1 RAJARAMAN

2 YUVARAJ

..PETITIONERS/PETITIONERS

Vs.

STATE REP.BY

THE INSPECTOR OF POLICE

SWAMIMALAI POLICE STATION,

THANJAVUR DISTRICT.

(CRIME NO. 196/2012)

..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 passed by the learned II Additional District and Sessions Judge, Thanjavur in Crl.A.No.73 of 2014 by the judgment dated 22.06.2015 confirmed by the Learned Additional Chief Judicial Magistrate, Thanjavur at Kumbakonam in C.C.No.5 of 2013 by the Judgment dated 17.11.2014 and enlarge the petitioners on bail pending disposal of the 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 D.RAMESHKUMAR, Advocate for the petitioner and of M/s.S.PRABHA, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-

The revision petitioners challenge the legality and propriety of the conviction and sentence recorded by the trial Court as well as by the appellate Court.

2.The revision petitioners were alleged to have stolen idols from a temple.

3.The learned Additional Chief Judicial Magistrate, Thanjavur at Kumbakonam convicted and sentenced them as under:

Conviction	Sentence
Section 457(2) I.P.C.	5 years R.I. plus fine Rs.5,000/- i/d 3 months S.I.
Section 380(2) I.P.C.	2 years R.I. plus fine Rs.2,000/- i/d 3 months S.I.

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

Both the sentences were directed to run concurrently. The fine amounts were already paid.



4.The learned II Additional Sessions Judge, Thanjavur confirmed the conviction and sentence and dismissed their Criminal Appeal No.73 of 2014.

5.The learned counsel for the revision petitioners would contend that the findings recorded by the Courts below is flawed as the evidence adduced is not viewed in proper perspective. Due consideration has not been given by the trial Court on the aspect of undue delay in lodging the F.I.R. Much reliance has been placed on the Section 27 Evidence Act recovery. The conviction and the sentence recorded suffers from legality. There is prima-facie case.

6.On the other hand, the learned Government Advocate (Criminal side) would submit that the petitioners are involved in idol theft case. The idols were worth Rs.60,000/- and concealed them by throwing them in the nearby pond. The investigation officer recovered them based on their confession. Based on the evidence, the conviction and sentence recorded by the trial Court as well as the appellate Court. They require no interference.

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

8.In the facts and circumstances of the case, 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 petitioners were on bail in the trial Court. I see prima-facie case. I am inclined to grant them revision bail.

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

(1) Revision bail granted.

(2) Sentence of imprisonment ordered by the Trial Court and confirmed by the Appellate Court alone is suspended.

(3) There shall be two sureties, they and the petitioners shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) each to the satisfaction of the learned Additional Chief Judicial Magistrate, Thanjavur at Kumbakonam.

(4) The petitioners shall appear before the said Court on every Monday and Friday at 10.30 a.m. until further orders.

sd/-

19/08/2016

/ TRUE COPY /

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



2 THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR AT KUMBAKONAM.

4 THE INSPECTOR OF POLICE, SWAMIMALAI POLICE STATION,
THANJAVUR DISTRICT.

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

+1. C.C. to M/S D.RAMESHKUMAR Advocate SR.No.46411

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IN
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Date :19/08/2016

PBK/SS-III/SAR-I 23/08/2016 ::3P-7C::