



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

Tuesday, the Nineteenth day of July Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.5800 of 2016
IN
CRL RC(MD) No.483 of 2016

JESUDURAI

...PETITIONER/APPELLANT/ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
CCIW, THOOTHUKUDI,
CRIME NO. 1/2009

... 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 on petitioner dated 2.9.2015 made in C.C.No.24/2009 on the file of the Judicial Magistrate No.II, (CCIW special court) Tirunelveli as confirmed by the Judgment dated 22.4.2016 made in Crl.A. No.48 of 2015 on the file of the 1st Additional District Sessions Judge, Tuticorin 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 N.ANANDAKUMAR, 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 petitioner challenges the legality and propriety of the conviction and sentence recorded by the trial Court as well as the appellate Court.

2. The revision petitioner is the accused No.1 in a case under Sections 467, 468, 471, 477(a) and 408 of I.P.C., in C.C.No.24 of 2009. The learned Judicial Magistrate No.II (C.C.I.W.Special Court), Tirunelveli convicted the petitioner and sentenced him to undergo simple imprisonment for one year for each offences and to pay a fine of Rs.4,000/- for each offences, in default to undergo simple imprisonment for one month for each offences.

3. The learned I Additional District Sessions Judge, Tuticorin confirmed the conviction and sentence and dismissed the Criminal Appeal No.48 of 2015.

4. 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 required to be revised.

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

5. On the other hand, the learned Government Advocate (Crl.side) appearing for the respondent would submit that the conviction recorded by

the trial Court as well as the appellate Court are perfectly correct and they require no disturbance.

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. Fine amount has been paid. 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) Sentence of imprisonment awarded by the learned Judicial Magistrate No.II (C.C.I.W.Special Court), Tirunelveli in C.C.No.24 of 2009 as confirmed by the learned I Additional District Sessions Judge, Tuticorin in Crl.A.No.48 of 2015 alone is suspended.

(3) There shall be two sureties, they and the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand only) each to the satisfaction of the learned Judicial Magistrate No.II (C.C.I.W.Special Court), Tirunelveli.

(4) It is open to the revision petitioner/accused to request the learned Magistrate to accept the same sureties for all the three connected cases viz., C.C.Nos.24, 25 and 26 of 2009.

(5) 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/-

19/07/2016

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, (C.C.I.W.SPECIAL COURT), TIRUNELVELI
2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
3 THE I ADDITIONAL DISTRICT SESSIONS JUDGE, TUTICORIN.
4 THE PRINCIPAL SESSIONS JUDGE, TUTICORIN DISTRICT
5 THE INSPECTOR OF POLICE, CCIW, THOOTHUKUDI,
6 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S N.ANANDAKUMAR Advocate SR.No.38085.

ORDER

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Date :19/07/2016