



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

Monday, the Eighth day of August Two Thousand Sixteen  
PRESENT

The Hon`ble Dr.Justice P.DEVADASS  
CRL MP(MD) No.5994 of 2016

IN

CRL RC(MD) No.503 of 2016

... PETITIONER/REVISION PETITIONER.

Vs

CHENNIYAPPAN

THE STATE REP.BY  
THE INSPECTOR OF POLICE  
VELAYUTHAMPALAYAM POLICE STATION,  
CR NO. 243/2009.  
KARUR DISTRICT.

... 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. 67 of 2011 dated 05.04.2016 on the file of the Honourable Principal Sessions Court confirming the Judgement in S.C. No. 19 of 2010 dated 09.11.2011 passed by the Honourable Principal Assistant Sessions Court, Karur pending disposal of the Criminal Revision Petition.

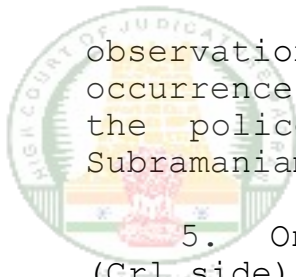
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S K.K.RAMAKRISHNAN, Advocate for the petitioner and of M/S.P.KANDASAMY, Government Advocate(Crl.Side), on behalf of the Respondent, the court made the following order:-

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 sole accused in a case under Sections 294(b), 326 (2 counts) and 307 (2 counts) I.P.C., in S.C.No.19 of 2010. The learned Principal Assistant Sessions Judge, Karur acquitted the petitioner under Section 294(b) I.P.C., and convicted him under Sections 326 (2 counts) and 307 (2 counts) I.P.C., and sentenced him to undergo rigorous imprisonment for 3 years for an offence under Section 326(2 counts) and fined him Rs.1,000/-, in default to undergo simple imprisonment for 6 months and sentenced him to undergo rigorous imprisonment for 7 years for an offence under Section 307(2 counts) and fined him Rs.5,000/-, in default to undergo simple imprisonment for 1 year.

3. The learned Principal Sessions Judge, Karur confirmed the conviction and sentence and dismissed the Criminal Appeal No.67 of 2011.

4. The learned counsel for the revision petitioner argued that P.Ws.6 and 8, Doctors did not specifically stated that the injury sustained by P.Ws.1 and 2 is sufficient to cause death. The



observation mahazar Ex.P2 was not prepared at the place of occurrence. From the evidence of P.Ws.4 and 5, it was prepared at the police station. From the evidence of P.Ws.1 and 2, one Subramaniam is an important witness. But, he has not been examined.

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. 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 Principal Assistant Sessions Judge, Karur in S.C.No.19 of 2010 as confirmed by the learned Principal Sessions Judge, Karur in C.A.No.67 of 2011 alone 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 Judicial Magistrate No.II, Karur.

(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/-

08/08/2016

/ TRUE COPY /

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

TO

1 THE PRINCIPAL SESSIONS JUDGE, KARUR.

2 THE PRINCIPAL ASSISTANT SESSIONS JUDGE, KARUR.

3 THE JUDICIAL MAGISTRATE NO.II, KARUR.

4 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

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

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

+1. C.C. to M/S K.K.RAMAKRISHNAN Advocate SR.No.42691

ORDER

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Date : 08/08/2016