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

Tuesday, the Ninth day of August Two Thousand Sixteen  
PRESENT

**The Hon`ble Dr.Justice P.DEVADASS**

CRL MP(MD) No.6205 of 2016

IN

CRL RC(MD) No.512 of 2016

C.PALANIVELU

... PETITIONER/PETITIONER

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
ARANTHANGI POLICE STATION,  
PUDUKOTTAI DISTRICT,  
CR NO. 2/2006.

... 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 of imprisonment passed by the Learned Additional District and Sessions Judge/Special Court for EC Act and NDPS Act Cases pudukottai in Crl.A.NO.5 of 2011 by the Judgement dated 09.06.2016 by confirming the judgement and conviction imposed the Learned Judicial Magistrate Aranthangi in C.C.No.76 of 2006 dated 02.09.2010 and enlarge the Petitioner on bail 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.M.KARUNANITHI, Advocate for the petitioner and of MRS.S.PRABHA, Govt.Advocate(Crl.Side) on behalf of the Respondents the court made the following order:-

A1 in C.C.No.76 of 2006, on the file of the learned Judicial Magistrate, Aranthangi, while challenging his conviction and sentence of the Trial Court and the Appellate Court, seeks revision bail under Section 397(1) r/w 401 Cr.P.C.

2. In the Trial Court, he was convicted under Section 498-A I.P.C., and and sentenced to 1 year R.I. + fine of Rs.3,000/-, i/d 2 months S.I.

3. He has paid the fine amount.

4. His Criminal Appeal in C.A.No.5 of 2011 has been dismissed by the learned Additional Sessions Judge, Pudukkottai.

5. The learned counsel for the petitioner submitted that the Courts below have failed to consider the evidence of P.W.1 in proper perspective, the evidence of P.W.14 falsifies the evidence of P.W.1.

6. The learned counsel for the petitioner further submitted that the evidence of the Panchayatars viz., P.Ws.11, 12 and 13 also has not been properly appreciated along with the evidence of other witnesses. There is evidence 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 its disposal. I find *prima facie* case in his favour. I am inclined to grant him revision bail.

10. Ordered as under:

(i) Revision bail granted to petitioner.

(ii) His sentence of imprisonment alone is suspended.

(iii) 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, Aranthangi.

(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/-

09/08/2016

/ TRUE COPY /

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

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE/  
SPECIAL COURT FOR EC ACT AND NDPS ACT CASES, PUDUKKOTTAI.

2 DO-THRO' THE SESSIONS JUDGE, PUDUKKOTTAI.

3 THE JUDICIAL MAGISTRATE, ARANTHANGI.

4 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.

5 THE INSPECTOR OF POLICE  
ARANTHANGI POLICE STATION, PUDUKOTTAI DISTRICT.

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

+1. C.C. to M/S M.KARUNANITHI Advocate SR.No.42988

ORDER IN

CRL MP(MD) No.6205 of 2016  
IN

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Date :09/08/2016