



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.6287 of 2016
IN
CRL RC (MD) No.518 of 2016

SERANTHAIYEN

... PETITIONER/REVISION PETITIONER/
APPELLANT/SOLE ACCUSED.

Vs

STATE REP.BY
THE ASSISTANT COMMISSIONER OF POLICE,
LAW AND ORDER, PALAYAMKOTTAI.
(CRIME NO. 10/2005)
(ALL WOMEN POLICE STATION, PALAYAMKOTTAI)
TIRUNELVELI DISTRICT.

... RESPONDENT/REVISION RESPONDENT/
RESPONDENT/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 execution of sentence by granting bail in C.A.No. 84/2014 dated 10.06.2016 on the file of the IIIrd Additional Sessions Judge, Tirunelveli, Tirunelveli District in C.C.No. 313/2013 dated 28.10.2014 on the file of the Additional Mahila Court, Tirunelveli, Tirunelveli District till the disposal of the Crl.R.C.

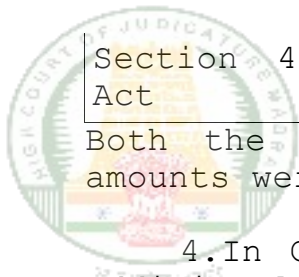
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S K.PRABHU, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate (Crl.Side), on behalf of the Respondent, the court made the following order:-

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

2.The revision petitioner/sole accused is alleged to have harassed his wife/defacto complainant, demanding dowry.

3.The learned Judicial Magistrate, Additional Mahila Court, Tirunelveli convicted the petitioner and sentenced him as under:

Conviction	Sentence
Section 498-A I.P.C.	2 years R.I. plus fine Rs.5,000/- i/d 2 months S.I.



Section 4 of Dowry Prohibition Act	2 years R.I. plus fine Rs.5,000/- i/d 2 months days S.I.
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Both the sentences were directed to run concurrently. The fine amounts were already paid.

4. In CrI.A.No.84 of 2014 the sentence was modified by the III Additional Sessions Judge, Tirunelveli as under:

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Conviction	Sentence
Section 498-A I.P.C.	6 months R.I. plus fine Rs.5,000/- i/d 2 months S.I.
Section 4 of Dowry Prohibition Act	6 months R.I. plus fine Rs.5,000/- i/d 2 months days S.I.

5. The learned counsel for the revision petitioner would contend that P.Ws.1 to 3 are closely related and they are highly interested witnesses. Their evidence was not supported by any of the neighbours. Witnesses does not inspire confidence in them. Both the Courts have committed error in viewing the matter in proper perspective. The conviction and the sentence recorded by them suffers from legality.

6. On the other hand, the learned Government Advocate (Criminal side) would submit that based on the evidence the conviction recorded by the trial Court as well as the appellate Court are perfectly correct and 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 petitioner was on bail in the trial Court. I see prima facie case. I am inclined to grant him revision bail.

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

(1) Revision bail granted.

(2) Modified sentence of imprisonment awarded by the learned III Additional Sessions Judge, Tirunelveli in CrI.A.No.84 of 2014 is suspended.

(3) There shall be two sureties, they and the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten thousand only) each to the satisfaction of the learned Judicial Magistrate, Additional Mahila Court, Tirunelveli.



(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

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

TO

1 THE III ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.

2 DO THRO THE PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI.

3 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT,
TIRUNELVELI.

4 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

6 THE ASSISTANT COMMISSIONER OF
POLICE, LAW AND ORDER, PALAYAMKOTTAI.
(ALL WOMEN POLICE STATION, PALAYAMKOTTAI) TIRUNELVELI DISTRICT.

+1. C.C. to M/S K.PRABHU Advocate SR.No.42799

ORDER

IN

CRL MP(MD) No.6287 of 2016

IN

CRL RC(MD) No.518 of 2016

Date :08/08/2016

AM/NGM.MP/SAR-I/10.08.2016/3P/8C