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

Wednesday, the Tenth day of August Two Thousand Sixteen
PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.6709 of 2016

IN

CRL RC(MD) No.530 of 2016

K.M.SADANANTHAM

... PETITIONER/PETITIONER

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
KARUR.

CR. NO.3/2010

... 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 imposed by the Learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Karur in Crl.A.No.28 of 2016 by the judgement dated 27.05.2016 confirming the conviction and the sentence imposed by the Learned Judicial Magistrate No.1, Karur in C.C.No.399 of 2011 by its dated 23.03.2016 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 P.ATHIMOOLAPANDIAN, Advocate for the petitioner and of MRS.S.PRABHA, Govt.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 used the funds of the Trust for his personal use and committed criminal breach of trust.

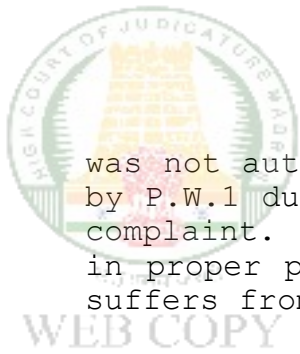
3.The learned Judicial Magistrate No.1, Karur convicted the petitioner and sentenced him as under:

Conviction	Sentence
Section 406 I.P.C.	1 years S.I. plus fine Rs.1,000/- i/d 3 months S.I.

The fine amount was already paid.

4.The learned Additional Sessions Judge, Fast Track Mahila Court, Karur confirmed the conviction and sentence and dismissed his Criminal Appeal No.28 of 2016.

5.The learned counsel for the revision petitioner would contend that the petitioner was given authorisation to transact the trust's business based on the Resolution of Board of Trustees and the defacto complainant



was not authorised to act as a Managing Trustee, which fact was admitted by P.W.1 during cross-examination and there is huge delay in lodging the complaint. 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 and sentence 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) 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 petitioner shall execute a bond for Rs.20,000/- (Rupees Twenty thousand only) each to the satisfaction of the learned Judicial Magistrate No.I, 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/-

10/08/2016

/ TRUE COPY /

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

TO

1 THE ADDITIONAL SESSIONS JUDGE, FAST TRACK MAHILA COURT, KARUR.

2 DO-THRO' THE SESSIONS JUDGE, KARUR.

3 THE JUDICIAL MAGISTRATE NO.I, KARUR.

4 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, KARUR.

5 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, KARUR.

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

+1. C.C. to M/S P.ATHIMOOLAPANDIAN Advocate SR.No.43186

ORDER IN

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IN

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Date :10/08/2016