



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.6734 of 2016

IN

CRL RC(MD) No.532 of 2016

PAUL KENNEDY

... PETITIONER/PETITIONER.

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
PUDUKKOTTAI .
CR. NO.50/2002

... 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, Pudukkottai in Crl.A. No.118 of 2010 by the judgement dated 31.3.2016 confirmed by the learned Judicial Magistrate, Alangudi in C.C.No.161 of 2004 by the judgment dated 8.12.2010 and enlarge the petitioner on bail 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 D.RAMESHKUMAR, 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 by the appellate Court.

2.The revision petitioner/sole accused, a public servant, is alleged to have misappropriated the funds of the Transport Corporation and committed criminal breach of trust

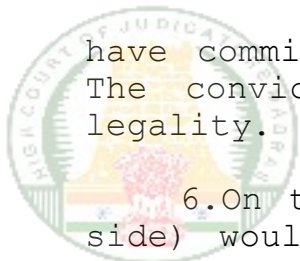
3.The learned Judicial Magistrate, Alangudi convicted the petitioner and sentenced him as under:

Conviction	Sentence
Section 409 I.P.C.	1 month S.I. plus fine Rs.5,000/- i/d 1 month S.I.

The fine amount was already paid.

4.The learned Additional Sessions Judge, Pudukkottai confirmed the conviction and sentence and dismissed his Criminal Appeal No.118 of 2010.

5.The learned counsel for the revision petitioner would contend that there are material contradictions between the witnesses and exhibits, the evidence of P.W.1 is not corroborated by P.Ws.2 to 90 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.15,000/- (Rupees Fifteen thousand only) each to the satisfaction of the learned Judicial Magistrate, Alangudi.

(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, PUDUKKOTTAI.
- 2 DO THRO THE PRINCIPAL SESSIONS JUDGE, PUDUKKOTTAI.
- 3 THE JUDICIAL MAGISTRATE, ALANGUDI.
- 4 DO THRO THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.
- 5 THE GOVERNMENT ADVOCATE (CRIMINAL SIDE),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 6 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH, PUDUKKOTTAI .
- +1. C.C. to M/S D.RAMESHKUMAR Advocate SR.No.43599.

ORDER

IN

CRL MP(MD) No.6734 of 2016

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CRL RC(MD) No.532 of 2016

Date : 10/08/2016