



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

Monday, the Twenty Fourth day of October Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.6894 of 2016
IN
CRL RC (MD) No.543 of 2016

SELVAM

... PETITIONER/PETITIONER

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
SIVAGANGAI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.
CRIME NO.7/2009

... 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 passed by the Learned Fast Track Mahila Court Sivagangai in C.A. No.3 of 2012 dated 27.7.2016 and enlarge the petitioners on bail pending disposal of the above said 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.V.KANNAN, Advocate for the petitioner and of MR.KANDASAMY, Government Advocate (Crl.side) on behalf of the Respondent the court made the following order:-

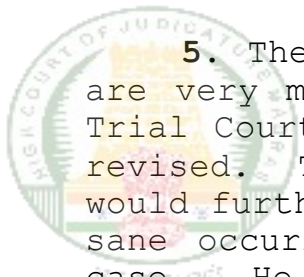
The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioner is an accused in S.C.No.390 of 2009, on the file of the learned Chief Judicial Magistrate, Sivagangai.

3. In the said Court, the petitioner has been convicted and sentenced as under:

Conviction	Sentence
Section 376 IPC	7 Years R.I., and a fine of Rs.500/- in default, 6 months S.I.

4. The Fast Track Mahila Court, Sivagangai, confirmed the conviction and sentence and dismissed the Criminal Appeal No.3 of 2012.



5. The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and by the Appellate Court and they are required to be revised. There is *prima facie* case in favour of the petitioner. He would further submit that there are two complaints in respect of the same occurrence and also there is a delay in registration of the case. He also submitted that fine amount was paid.

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6. 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 favour of the petitioner/appellant.

7. I have anxiously considered the rival submissions, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

8. 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 in 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 revision bail to the petitioner.

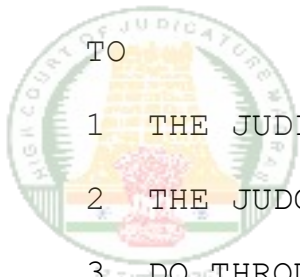
9. In view of the foregoing, ordered as under:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court 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, Ilayangudi.
- (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/-
24/10/2016

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, ILAYANGUDI, SIVAGANGAI DISTRICT.

2 THE JUDGE, FAST TRACK MAHILA COURT, SIVAGANGAI.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

4 THE INSPECTOR OF POLICE,
SIVAGANGAI ALL WOMEN POLICE STATION, SIVAGANGAI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

6 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

+1. C.C. to M/S.V.KANNAN Advocate SR.No.62869

MPK

CSL/EM-MPA/SAR-III/25.10.2016: 3P/8C

ORDER

IN

CRL MP (MD) No.6894 of 2016

IN

CRL RC (MD) No.543 of 2016

Date :24/10/2016