



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

Friday, the Nineteenth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP(MD) No.6941 of 2016
IN
CRL RC(MD) No.550 of 2016

BALAMURUGAN

...PETITIONER/PETITIONER

Vs

State Rep. By
THE INSPECTOR OF POICE
GANDHI MARKET POLICE STATION, TRICHY.
CR. NO.292/2013

...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 imposed on me by the judgement and sentence dated 22.6.2015 passed in S.C. No.159 of 2014 by the Honourable 2nd Additional Assistant Sessions Court Trichy as confirmed by the judgement dated 5.4.2016 and passed in CA. No.45 of 2015 by this Honourable 3rd Additional District Judge Trichy.

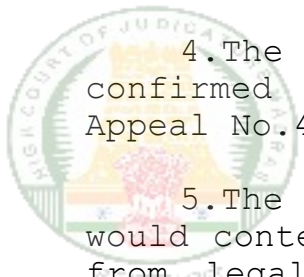
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S R.MAHESWARAN, Advocate for the petitioner and of Mrs.S.Prabha, Government Advocate (Criminal Side) on behalf of the Respondent the court made the following order:-

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/accused No.1 is alleged to have attempted to kill the defacto complainant.

3.The learned II Additional Assistant Sessions Judge, Tiruchirappalli convicted the petitioner and sentenced him as under:

Conviction	Sentence
Section 341 I.P.C.	1 month S.I.
Section 307 I.P.C.	5 years R.I. plus fine Rs.5,000/- i/d 4 months S.I.



4.The learned III Additional Sessions Judge, Tiruchirappalli confirmed the conviction and sentence and dismissed his Criminal Appeal No.45 of 2015.

5.The learned counsel for the revision petitioner/appellant would contend that the finding recorded by the Courts below suffers from legality and propriety in as much as evidence has been misread by the Courts below. The learned counsel for the petitioner contended that there is inconsistency as the injury stated to have been caused by A1 in the evidence of P.W.1 and P.W.12. Further, there is complete wrong appreciation of the evidence of P.Ws.4 and 5, the alleged ocular witnesses, in fact, they are only hearsay witnesses.

6.The investigation officer filed counter. Besides that, the learned Government Advocate (Criminal side) would submit that both the trial Court as well as the appellate Court viewed the evidence in proper perspective and rendered correct finding and found him guilty and appropriately sentenced him. In the facts and circumstances, the petitioner does not deserve any indulgence.

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 II Additional Assistant Sessions Judge, Tiruchirappalli.

(4) The petitioner shall appear before the Inspector of Police, Gandhi Market Police Station on every Monday and Friday at 10.30 a.m. until further orders.

sd/-

19/08/2016

/ TRUE COPY /

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



TO

1 THE III ADDITIONAL SESSION JUDGE,
TIRUCHIRAPPALLI.

2 DO THRO THE PRINCIPAL SESSION JUDGE,
TIRUCHIRAPPALLI.

3 THE II ADDITIONAL ASSISTANT SESSIONS JUDGE,
TIRUCHIRAPPALLI

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

5 THE INSPECTOR OF POICE,
GANDHI MARKET POLICE STATION, TRICHY.

+1. C.C. to M/S R.MAHESWARAN Advocate SR.No.46088

ORDER

IN

CRL MP (MD) No.6941 of 2016

IN

CRL RC (MD) No.550 of 2016

Date :19/08/2016

sj

SD/SK.SKN/SAR1/23.08.2016/3P/7C