



WEB COPY

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

Tuesday, the Fourth day of October Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.7246 of 2016

IN

CRL A(MD) No.299 of 2016

SANTHOSHKUMAR @ KUMAR

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

ARUMANAI POLICE STATION,

KANYAKUMARI DISTRICT.

CRIME NO. 42/2009

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to pass an order suspending the sentence imposed on the petitioner by the Honourable Mahila Fast Track Court, Nagercoil, Kanyakumari District made in Session Case No.20 of 2012 dated 11.08.2016 and enlarge him on bail pending disposal of the above Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S. PALANI VELAYUTHAM, 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 sole accused in S.C.No.20 of 2012, on the file of the learned Mahila Fast Track Judge, Nagercoil, Kanyakumari District, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 306 I.P.C.	10 years R.I. + Fine Rs.25,000/-, i/d 1 month S.I.

3. Fine amount has been paid.

4. The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised.

5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner.



6. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal. Further, now the petitioner was confined at Sub Jail, Nagercoil, by which, the necessity to consider this petition arises. On considerations, ordered as under:

- (i) Appeal bail granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the likesum each to the satisfaction of the learned Judicial Magistrate No.I, Kulithurai, Kanyakumari District.
- (iii) 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/-

04/10/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
KULITHURAI, KANYAKUMARI DISTRICT.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL.
- 3 THE JUDGE, MAHILA FAST TRACK COURT, NAGERCOIL,
KANYAKUMARI DISTRICT.
- 4 THE OFFICER INCHARGE, SUB JAIL, NAGERCOIL.
- 5 THE INSPECTOR OF POLICE
ARUMANAI POLICE STATION, KANYAKUMARI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S. PALANI VELAYUTHAM Advocate SR.No.59625

ORDER IN

CRL MP(MD) No.7246 of 2016 IN

CRL A(MD) No.299 of 2016

Date : 04/10/2016