



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

Tuesday, the Thirtieth day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.7532 of 2016
IN
CRL A (MD) No.309 of 2016

MUTHU

... PETITIONER/APPELLANT.

Vs

THE STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
PARAMAKUDI SUB DIVISION,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
(CRIME NO.57/2012)

... 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 by the Principal District and Sessions Judge, Ramanathapuram dated 26.07.2016 in Special S.C.No. 64 of 2013 and enlarge the petitioner on bail pending disposal of the main Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.VEEERANASAMY, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate(Crl.Side), on behalf of the Respondents the court made the following order:-

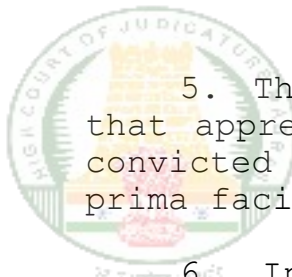
A5 in the Special Sessions Case in Spl.S.C.No.64 of 2013, on the file of the learned Special Judge under S.C./S.T. (P.T.) Act / Principal Sessions Judge, Ramanathapuram, while challenging his conviction and sentence, seeks appeal bail under Section 389 Cr.P.C.

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

Conviction	Sentence
Section 148 I.P.C.	6 Months R.I. + Fine Rs.1,000/-, i/d 1 Month S.I.
Section 323 I.P.C.	Fine Rs.1,000/-, i/d 1 Month S.I.

3. Fine amounts have 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. There is prima facie case in favour of the petitioner.



5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced the Trial Court has rightly convicted and appropriately sentenced the petitioner. There is no prima facie case in favour of 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, the petitioner was on bail in the Trial Court. I see prima facie case in favour of the petitioner. I am inclined to grant him appeal bail.

7. Ordered as under:

- (i) Appeal bail granted.
- (ii) His sentence of imprisonment 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, Paramakudi.
- (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/-

30/08/2016

/ TRUE COPY /

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

TO

- 1 THE SPECIAL JUDGE UNDER SC/ST(PT) ACT/PRINCIPAL SESSIONS JUDGE, RAMANATHAPURAM.
- 2 THE JUDICIAL MAGISTRATE, PARAMAKUDI.
- 3 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 4 THE DEPUTY SUPERINTENDENT OF POLICE, PARAMAKUDI SUB DIVISION, PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 5 THE GOVERNMENT ADVOCATE (CRIMINAL SIDE), MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.S.VEEERANASAMY Advocate SR.No.48862.

ORDER

IN

CRL MP (MD) No.7532 of 2016

IN

CRL A (MD) No.309 of 2016

Date : 30/08/2016