



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

Wednesday, the Thirty First day of August Two Thousand Sixteen

PRESENT

The Hon`ble Dr.Justice P.DEVADASS

CRL MP (MD) No.7944 of 2016
IN
CRL RC (MD) No.604 of 2016

THANGAKANI

... PETITIONER/PETITIONER/
APPELLANT/ACCUSED NO.2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
CCIW-CID,
TUTICORIN DISTRICT.
CRIME NO.1/2009

... RESPONDENT/RESPONDENT/
RESPONDENT/COMPLAINANT

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 judgement dated 22.4.2016 made in C.A. No.47 of 2015 on the file of Principal District and sessions Court, Thoothukudi confirming the judgement dated 2.9.2015 made in C.C.No.26 of 2009 on the file of Judicial Magistrate Court No.II, Tirunelveli CCIW special court, pending disposal of the above Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.AJMAL KHAN SENIOR COUNSEL FOR MR.J.SULTHAN BASHA, Advocate for M/S AJMAL ASSOCIATES, for the petitioner and of MRS.S.PRABHA Government Advocate (Crl.Side) for 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 is the accused No.2 in a case under Sections 408, 467, 468, 471 and 477(A) IPC r/w 109 and 34 of IPC in C.C.No.26 of 2009. The learned Judicial Magistrate No.II, (CCIW, Special Court), Tirunelveli convicted the Petitioner and sentenced him to undergo simple imprisonment for five months for each offence and to pay a fine of Rs.1000/- for each offence, in default to undergo simple imprisonment for two weeks for each offences. The sentences were ordered to be run concurrently by the accused.



3.The learned I Additional District and Sessions Judge, Tuticorin confirmed the conviction and sentenced and dismissed the Criminal Appeal No.47 of 2015.

4.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 required to be revised.

5.On the other hand, the learned Government Advocate(Crl.Side) appearing for the respondent would submit that the conviction recorded by the trial Court as well as the appellate Court are perfectly correct and they require no disturbance.

6.In the facts and circumstances, perusing the impugned judgement and 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.

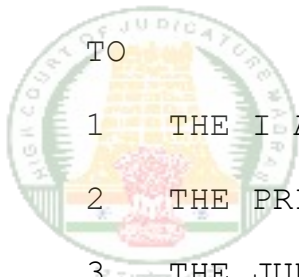
9. In view of the fore-goings, ordered as under:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the learned Judicial Magistrate No.II(CCIW., Special Court), Tirunelveli in C.C.No.26 of 2009 as confirmed by the learned I Additional District and Sessions Judge, Tuticorin in Crl.A.No.47 of 2015 alone is suspended.
- (iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten thousand only) each to the satisfaction of the learned Judicial Magistrate No.II, (CCIW Special Court), Tirunelveli..
- (iv) It is open to the revision Petitioner/accused to request the learned Magistrate to accept the same sureties for all the three connected cases viz., C.C.Nos.24,25 and 26 of 2009.
- (v) 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/-
31/08/2016

/ TRUE COPY /

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



TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, TUTICORIN

2 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, TUTICORIN

3 THE JUDICIAL MAGISTRATE NO.II,
(CCIW, SPECIAL COURT), TIRUNELVELI

4 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT

5 THE INSPECTOR OF POLICE
CCIW-CID, TUTICORIN DISTRICT. CR.NO.1/2009

6 THE GOVERNMENT ADVOCATE, (CRIMINAL SIDE),
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S AJMAL ASSOCIATES Advocate SR.No.48536

GJM/SK/SKN/SAR-III-2.9.16-3P-8C

ORDER

IN

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Date :31/08/2016