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

Thursday, the Third day of November Two Thousand Sixteen
PRESENT

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

CRL MP(MD) No.8236 of 2016

IN

CRL RC(MD) No.629 of 2016

MAHESWSARAN

... PETITIONER/APPELLANT

Vs

THE STATE REP. BY ITS
INSPECTOR OF POLICE,
FORT NORTH TRAFFIC INVESTIGATION WING NORTH,
TRICHY.

CR . NO. 87 OF 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 of 6 months simple imprisonment by the Learned Judicial Magistrate NO.1, Tiruchirappalli in CC No. 117 of 2013 dated 10.10.2015 and as confirmed by the order of Honourable II Additional District Judge, Tiruchirappalli in Crl.A 85 of 2015 dated 12.08.2016 pending disposal of the above Criminal Revision.

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

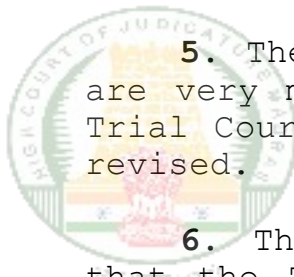
The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioner is the accused in C.C.No.117 of 2013, on the file of the learned Judicial Magistrate No.I, Tiruchirappalli.

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

Conviction	Sentence
Section 304(A) of IPC	6 months S.I. + fine of Rs.2,000/- with default sentence

4. The II Additional District Judge, Tiruchirappalli, confirmed the conviction and sentence and dismissed the Criminal Appeal No.85 of 2015, dated 12.08.2016.



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. He also submitted that fine amount was paid.

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.

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 and also in the appellate Court. 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 No.I, Trichy

(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/-

03/11/2016

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Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.I, TRICHY.
2. THE II ADDITIONAL DISTRICT JUDGE, TRICHY.
3. THE INSPECTOR OF POLICE,
FORT NORTH TRAFFIC INVESTIGATION WING NORTH,
TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.P.GANAPATHI SUBRAMANIAN Advocate SR.No. 65538

ORDER IN

CRL MP(MD) No.8236 of 2016

IN

CRL RC(MD) No.629 of 2016

Date :03/11/2016