



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

Tuesday, the Twenty Second day of November Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL MP(MD) No.9143 of 2016

IN

CRL RC(MD) No.659 of 2016

KALIYAMOORTHY

... PETITIONER/REVISION PETITIONER

Vs

STATE BY

THE INSPECTOR OF POLICE

RAILWAY POLICE FORCE POLICE STATION,

KUMBAKONAM, THANJAVUR DISTRICT

Crime No.02 of 2006

... 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 in C.A.No.48 of 2015 dated 17.03.2016 affirming the order of conviction in C.C.No.38 of 2007 dated 04.08.2015 on the file of the Judicial Magistrate, No.I, Thanjavur

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.ARUN PRASAD, 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 an accused in C.C.No.38 of 2007, on the file of the learned Judicial Magistrate No.I, Thanjavur.

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

Conviction	Sentence
Section 3(a) of Railway Properties (Unlawful Possession Act, 1966)	6 Months R.I. + Fine of Rs.1000/- i/d. 1 Month S.I.



4. The learned Principal District and Sessions Judge, Thanjavur confirmed the conviction and sentence imposed by the trial Court and dismissed the Criminal Appeal No.48 of 2015.

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. There is *prima facie* case in favour of the petitioner. He would further submit that the fine amount imposed by the trial Court was paid.

6. I have anxiously considered the submissions of the learned counsel for the petitioner, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

7. 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. I see *prima facie* case. Further, this Court had already been granted an order of interim suspension on 23.09.2016 and it was subsequently extended from time and again. I am inclined to grant revision bail to the petitioner, till the disposal of the Revision.

8. In view of the foregoing, ordered as under:

- (i) Interim suspension already granted by this Court on 23.09.2016, is made absolute and Revision Bail is granted, as follows.
- (ii) Sentence of imprisonment ordered by the Trial Court and confirmed by the lower Appellate Court alone is suspended, until further orders.
- (iii) There shall be two sureties and they shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Principal District and Sessions Judge, Thanjavur.
- (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/-
22/11/2016

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



TO

1 THE JUDICIAL MAGISTRATE NO.1, THANJAVUR.

2 THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, THANJAVUR.

3 THE INSPECTOR OF POLICE
RAILWAY POLICE FORCE POLICE STATION,
KUMBAKONAM, THANJAVUR DISTRICT4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.A.ARUN PRASAD Advocate SR.No.71528

ORDER

IN

CRL MP (MD) No.9143 of 2016

IN

CRL RC (MD) No.659 of 2016

Date :22/11/2016

MPK

SH/SS-3/SAR-3:23.11.2016:3P/6C