



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

Monday, the Thirteenth day of November Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL MP(MD) No.10228 of 2017

IN

CRL RC(MD) No.826 of 2017

ARULGANA PRAKASAM,

... PETITIONER/APPELLANT/ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
DINDIGUL DISTRICT.
(CRIME NO.3 OF 2003)

... RESPONDENT/RESPONDENT/COMPLAINANT

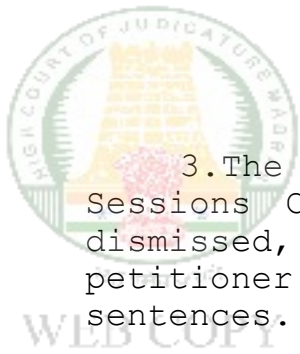
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to SUSPEND THE SENTENCE imposed against the petitioner in C.A.No.27 of 2015 dated 18.08.2017 on the file of the learned Additional Sessions Court, Dindigul cofirming the Judgment in C.C.No.15 of 2014 dated 11.06.2015 on the file of the Chief Judicial Magistrate, Dindigul and enlarge me on bail pending disposal of Criminal Revision Petition and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.C.SUSI KUMAR, Advocate for the petitioner and of MR.T.MOHAN, Additional Public Prosecutor for the Respondent, while admitting the CRL RC, the court made the following order:-

The petitioner / sole accused in C.C.No.15 of 2014 on the file of the Chief Judicial Magistrate, Dindigul dated 11.06.2015 while challenging his conviction and sentence, seeks revision bail under Section 397(1) Cr.P.C.

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

Conviction	Sentence
Section 408 IPC	2 years R.I. to fine Rs.1,000/- in default of fine to undergo 3 months of S.I.
Section 477 (A) IPC	2 years R.I to fine Rs.1,000/- in default of fine to undergo three months of S.I.



3.The petitioner preferred an appeal before the Additional Sessions Court, Dindigul in C.A.No.27 of 2015 and the same was dismissed, confirming the judgment of the Trial Court. The petitioner filed the present petition seeking suspension of sentences.

4.The learned counsel for the petitioner submitted that witnesses were examined by the prosecution and they did not deny the signature found in the records and they have also admitted that they have received entire amount and the prosecution has failed to proceed relevant documents in this case. He further submitted that P.W.2 has admitted that he has not received any complaint from the members of the society and the petitioner did not pay the pongal bonus amount. Therefore, the petitioner is having prima facie case and he is having arguable points in his favour and hence, he seeks suspension of sentence during the pendency of the revision. A2 has filed Criminal Revision before this Court in CrI.R.C.(MD)No.736 of 2017 and this Court by order dated 19.09.2017 suspended the sentenced to A2.

5.The learned Additional Public Prosecutor has no serious objection in granting the relief sought for in this petition.

6.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. On considerations, this petition is ordered as under:

(i) Revision bail is 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 Chief Judicial Magistrate, Dindigul.

(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/-
13/11/2017

/ TRUE COPY /



1 THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL

2 THE ADDITIONAL SESSIONS JUDGE, DINDIGUL

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, DINDIGUL DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to M/S.M.SUBASH BABU Advocate SR.No.34428

ORDER
IN
CRL MP (MD) No.10228 of 2017
IN
CRL RC (MD) No.826 of 2017
Date :13/11/2017

SMA/RR/SAR-1/15.11.2017:2P/6C