



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

Tuesday, the Fourteenth day of November Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.10341 of 2017
IN
CRL RC(MD) No.838 of 2017

THANGAM

... PETITIONER/PETITIONER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
MUTHUKULATHUR POLICE STATION,
MUTHUKULATHUR, RAMNATHAPURAM DISTRICT.
CR NO. 170/2013.

... 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 passed by the Learned Additional District Court cum Fast Track Court, Paramakudi, Ramanathapuram District in C.A No.6/2016 dated 05.09.2017 confirming the Judgment in C.C No. 271/2013 on the file of the Judicial Magistrate Court, Muthukulathur Ramnathapuram District dated 31.03.2016 pending disposal of the main Revision Petition.

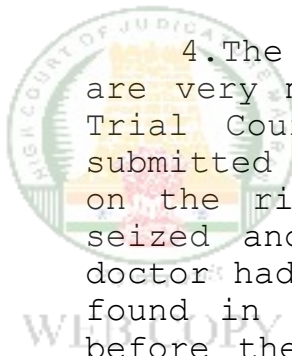
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.V.P.RAJAN, Advocate for the petitioner and of MR.K.S.DURAIPANDIAN, Additional Public Prosecutor on behalf of the Respondent while admitting CRL RC the court made the following order:-

The petitioner / accused in C.C.No.271 of 2013 on the file of the learned Judicial Magistrate Court, Muthukulathur, dated 31.03.2016 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 326 of IPC	1 year R.I.+Fine of Rs.2,000/- i/d 1 month S.I.

3.Fine amount was paid by the petitioner herein before the Trial Court itself. The petitioner preferred the revision against the conviction and sentence. The court dismissed the revision against the conviction and sentence. The court confirmed the judgment of the Trial Court.



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. He further submitted that the petitioner is said to have attacked with aruval on the right hand wrist of the injured and the said aruval was seized and marked in this case. He further submitted that the doctor had given evidence as x-ray was taken in respect of fracture found in the hand of the injured, but the same was not produced before the Trial Court as exhibits. Therefore, the petitioner is having prima facie case and having arguable points in his favour and seeks suspension of sentence and this case is having acquittal.

5.The learned Additional Public Prosecutor appearing for the respondent would submit that the Trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution during trial and the petitioner is not having any prima facie case in this revision. However, the learned Additional Public Prosecutor has no serious objection to grant an order of suspension since the Trial Court itself suspended the sentence for particular period.

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 revision. They are required to be examined in detail in the main criminal revision. 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 Judicial Magistrate, Muthukulathur.
- (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/-
14/11/2017

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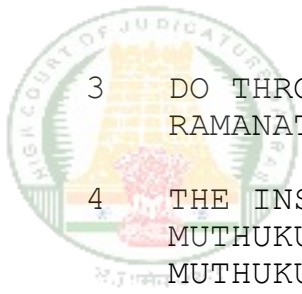
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDGE,
THE ADDITIONAL DISTRICT COURT CUM FAST TRACK COURT,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>

2 THE JUDICIAL MAGISTRATE, MUTHUKULATHUR.



3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

4 THE INSPECTOR OF POLICE,
MUTHUKULATHUR POLICE STATION,
MUTHUKULATHUR, RAMANATHAPURAM DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.V.P.RAJAN Advocate SR.No.34378

ORDER
IN
CRL MP (MD) No.10341 of 2017
IN
CRL RC (MD) No.838 of 2017
Date :14/11/2017

MKV-PM-PN-SAR 4/14.11.2017/3P-7C