



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

Monday, the Twentieth day of November Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.10535 of 2017
IN
CRL RC(MD) No.855 of 2017

1 RAMASAMY
2 SUBRAMANIYAN

... PETITIONERS/APPELLANTS/ACCUSED NO.1&2

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KURUVIKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.247/2012

... RESPONDENT/RESPONDENT/COMPLAINANT

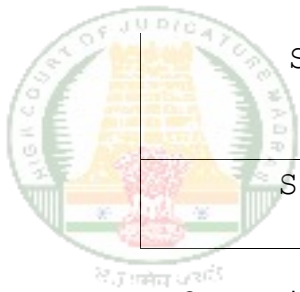
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge the petitioners on bail by suspending the sentence imposed by judgement delivered by the Assistant Sessions Judge, Sankarankovil in S.C.No.384/2014 vide his judgement dated 09/09/2015 and which has been subsequently modified by the Learned III Additional Sessions Court, Tirunelveli in C.A.No.197/2015 vide his judgement 21/09/2017 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.R.ANAND for M/S.P.SAMUEL GUNASINGH, Advocate for the petitioners and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent while admitting CRL RC the court made the following order:-

The petitioners / A1 & A2 in S.C.No.384 of 2014, on the file of the learned Assistant Sessions Judge, Sankarankoil, while challenging his conviction and sentence dated 09.09.2015, seeks revision bail under Section 397(1) Cr.P.C.

2. After trial, they have been convicted and sentenced as under:

Conviction	Sentence
Section 341 of IPC	Fine of Rs.250/- each i/d one week S.I.
Section 294(b) of IPC	Fine of Rs.250/- each i/d one week S.I.



Section 307 of IPC

7 years R.I. + Fine of Rs.1,000/- each i/d 3 months S.I.

Section 325 of IPC

3 years R.I + Fine of Rs.500/- each i/d 3 months S.I.

3. Against the order of conviction the petitioners preferred an appeal before the learned III Additional District Sessions Court, Tirunelveli in C.A.No.107 of 2015 and the Appellate Court has acquitted A2 from the charges under Section 325 of IPC alone and regarding the other conviction against the petitioners, was confirmed by the Appellate Court. Against that order passed by the Appellate Court, present revision is preferred before this Court.

4. The learned counsel for the petitioners 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 injured in this case ie., P.W.1 & 2 were taken treatment at Sankarankoil Government Hospital and thereafter, they were shifted to Government Hospital, Palayamkottai for further treatment. P.W.2 also admitted in a private hospital, Nagercoil and those medical records are not received at the time of investigation in this case. He also submitted that there are several contradictions in the evidence of prosecution and there is no independent evidence to prove the occurrence as alleged by the prosecution and the evidence of P.W.1 & 2 are not supported by other witnesses and the present complaint is a motivated one. The petitioners are having prima facie case and also having arguable points in their favour.

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 thereafter, except conviction against the charges under Section 325 of IPC, the Appellate Court confirmed the judgment of the Trial Court. He further submitted that the petitioners are 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.

6. In the facts and circumstances, perusing the impugned Judgment of the Trial Court as well as the Appellate Court 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 petitioners shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with no sureties for the like sum each to the satisfaction of the learned Judicial Magistrate, Sankarankoil.



(iii) The petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-
20/11/2017

WEB COPY

/ TRUE COPY /

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

TO

- 1 THE III ADDITIONAL DISTRICT SESSIONS JUDGE, TIRUNELVELI.
- 2 THE ASSISTANT SESSIONS JUDGE, SANKARANKOIL.
- 3 THE JUDICIAL MAGISTRATE, SANKARANKOIL.
- 4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 5 THE INSPECTOR OF POLICE,
KURUVIKULAM POLICE STATION, TIRUNELVELI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.P.SAMUEL GUNASINGH Advocate SR.No.34729

ORDER
IN
CRL MP (MD) No.10535 of 2017
IN
CRL RC (MD) No.855 of 2017
Date :20/11/2017

MKV-PM-PN-SAR 1/22.11.2017/3P-8C