



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

Wednesday, the Thirteenth day of December Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL MP (MD) No.10671 of 2017

IN

CRL A (MD) No.472 of 2017

MANI

... PETITIONER/ APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.475/2004

... RESPONDENT/ RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed by the Sessions (Fast Track Mahila Court) Kanyakumari District at Nagercoil passed in S.C.No.127 of 2009 dated 30/10/2017 pending disposal of the above Crl.A.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MOHAN DOSS, Advocate for the petitioner and of M/S.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.A, the court made the following order:-

The petitioner / sole accused in S.C.No.127 of 2009 on the file of the Sessions (Fast Track Mahila Court), Kanyakumari District, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

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

Conviction	Sentence
Section 324 IPC	One year R.I. + Fine of Rs.2,500/- i/d 3 months R.I.
Section 452 IPC	Two years R.I. + Fine of Rs.5,000/- i/d 6 months R.I.

3.The present Appeal is preferred against the order of conviction passed by the trial Court. The petitioner is the sole accused in this case. Fine amount was paid and the copy of the



receipt is also filed. The Trial Court has also suspended the sentenced as per order dated 30.10.2017 in Crl.M.P.No.808 of 2017.

4.The learned counsel appearing for the petitioner submits that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He would further submit that Investigating Officer failed to collect the blood samples from the place of occurrence and also failed to send the blood stained weapon M.O.1 to the Forensic Laboratory to match the blood samples available in the place of occurrence with the blood samples available in the M.O.1 and there are several contradictions in the evidence of the prosecution witnesses to support the charges levelled against the petitioner. He submits that the petitioner is having prima facie case in this Criminal Appeal.

5.The learned Additional Public Prosecutor appearing for the respondent submits that on appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner / accused and he is not having any prima facie case. However, he has no objection in suspending the sentence imposed by the Trial Court as the Trial Court itself has suspended the sentenced for a 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 Appeal. They are required to be examined in detail in the main Criminal Appeal. Further, it will take some time for the disposal of the Criminal Appeal.

7.On considerations, ordered as under:

- (i) Appeal bail is granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties each for the like sum each to the satisfaction of the learned Sessions (Fast Track Mahila Court), Kanyakumari District at Nagercoil.
- (iii) The petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., until further orders.

sd/-
13/12/2017

/ TRUE COPY /



TO

1. THE SESSIONS JUDGE, (FAST TRACK MAHILA COURT),
KANYAKUMARI DISTRICT AT NAGERCOIL.
2. THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION, KANYAKUMARI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.S.MOHAN DOSS Advocate SR.No.36116

ORDER

IN

CRL MP (MD) No.10671 of 2017

IN

CRL A (MD) No.472 of 2017

Date :13/12/2017

MS/CM-VR/SAR.4/14.12.2017/3P.5C