



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

Friday, the Twenty Fourth day of November Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL MP (MD) No.10727 of 2017

IN

CRL RC (MD) No.873 of 2017

1 AYYAPPAN
2 PALANI
3 BHARATH
4 MANIKANDAN

... PETITIONERS/PETITIONERS

Vs

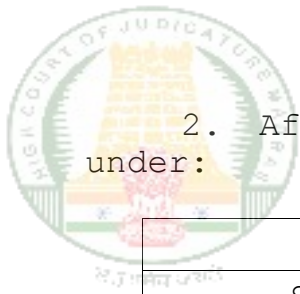
STATE REP.BY
THE SUB INSPECTOR OF POLICE
PAPPANADU POLICE STATION,
ORATHANADU TALUK,
THANJAVUR DISTRICT,
CRIME NO. 240/2014.

... RESPONDENT/ RESPONDENT

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 upon them in S.T.C No.10 of 2015 on the file of the Learned District Munsif cum Judicial Magistrate, Orathanadu Thanjavur District and by the Judgement dated 12.06.2017 which was confirmed in Crl. A.No.48 of 2017 on the file of the Learned III Additional District and Sessions Judge Thanjavur at pattukottai by the Judgement dated 26.10.2017 pending disposal of the main Criminal 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.A.THIRUVADI KUMAR, Advocate for the petitioners and of M/S.C.MAYILVAHANARAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL.RC., the court made the following order:-

The petitioners / A1 to A4 in S.T.C.No.10 of 2015, on the file of the learned District Munsif Cum Judicial Magistrate, Orathanadu, Thanjavur District, while challenging their conviction and sentence dated 12.06.2017, seek revision bail under Section 389(1) Cr.P.C.



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

Conviction	Sentence
Section 342 of IPC	2 months S.I each and fine of Rs.500/- each 0 i/d 2 weeks each

3. Against the conviction judgment passed by the trial Court, the petitioner is preferred an appeal in C.A.No.48 of 2017 before III Additional District and Sessions Judge, Thanjavur @ Pattukottai and the same was dismissed by confirming the judgment of the trial Court. Against the order passed by the Appellate Court, present revision is preferred by this petitioner herein.

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 evidence of PW.1 to PW.3 which were not corroborated with any other witnesses and the Observation Mahazar. The Rough Sketch does not show the lamp post since, it is contended that the de-facto complainant was tied in the lamp post and the rope which was said to have been used to tied the petitioner which was also not produced by the prosecution. Therefore, the petitioner is having prima facie case and having arguable points in his favour and seeks suspension of sentence.

5. The learned Additional Public Prosecutor submitted that the Trial court has rightly convicted the petitioners on the basis of the evidence adduced by the prosecution which was also confirmed by the appellate court and there is no prima facie case in this revision. However, the learned Additional Public Prosecutor has not raised any serious objection to grant suspension of sentence.

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. Further, it will take some time for the disposal of the 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 two sureties for the likesum each to the satisfaction of the learned District Munsif cum Magistrate, Orathanadu, Thanjavur District.



(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.

WEB COPY

sd/-
24/11/2017

/ TRUE COPY /

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

TO

1. THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR DISTRICT AT PATTUKOTTAI.
2. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORATHANADU, THANAJAVUR DISTRICT.
3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANAJAVUR DISTRICT AT KUMBANKONAM.
4. THE SUB INSPECTOR OF POLICE, PAPPANADU POLICE STATION,
ORATHANADU TALUK, THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.A.THIRUVADI KUMAR Advocate SR.No.35110

ORDER
IN
CRL MP (MD) No.10727 of 2017
IN
CRL RC (MD) No.873 of 2017
Date :24/11/2017

MS/PM-PN/SAR.4/28.11.2017/3P.7C