



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

Friday, the Tenth day of March Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.108 of 2017
IN
CRL RC(MD) No.14 of 2017

1 ARUMUGAM

2 BALASUBRAMANIAN ...REVISION PETITIONERS/ACCUSED NOS 2 & 3

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

CANTONMENT POLICE STATION,TRICHY

(IN CRIME NO.43/2014)

... 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 passed in Criminal Appeal No.64/2015 dated 09.12.2016 confirmed the judgment of the trial court passed in S.C.No.12/2015 dated 13.07.2015 by the learned Chief Judicial Magistrate, Trichy

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.PANDI MAHARAJA, Advocate for the petitioner and of M/SP.KANNITHEVAN, Government Advocate(crl.side) on behalf of the Respondents the court made the following order:-

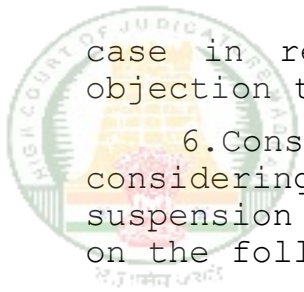
The learned counsel for the petitioner and learned Government Advocate (Crl.side) appearing for the respondent are present.

2.Heard both sides.

3.The Appellate Court has confirmed the sentence passed by the Trial Court in its judgment dated 09.12.2016 in C.A.No.64 of 2015 and also granted an order of interim suspension.

4.The learned counsel for the petitioner submitted that the Trial Court failed to consider the nature of injuries inflicted upon P.W.1 to P.W.4 and also the place of occurrence as stated by the prosecution. It is further stated that the prosecution failed to prove the motive of the accused in respect of the commission of offence.

5.The learned Government Advocate (Crl.side) submitted that the Courts below have rightly convicted the petitioner on the basis of the evidence adduced by the prosecution and there is no prima facie



case in respect of the petitioner herein. However, he has no objection to make the interim order of suspension as made absolute.

6. Considering the facts and circumstances of the case and also considering the grounds raised in the revision, the interim order of suspension is made absolute. Accordingly, the petition is allowed on the following conditions:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court alone is suspended till the disposal of the Revision.
- (iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) each to the satisfaction of the learned Judicial Magistrate No.II, Trichirapalli.
- (iv) The petitioner shall appear before the concerned Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-
10/03/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, TIRUCHIRAPALLI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUCHIRAPALLI.

3. THE INSPECTOR OF POLICE
CANTONMENT POLICE STATION, TRICHY

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

+1. C.C. to M/S.R.PANDI MAHARAJA Advocate SR.No.14350

ORDER
IN
CRL MP(MD) No.108 of 2017
IN
CRL RC(MD) No.14 of 2017
Date :10/03/2017

MS/SV.MMS/SAR.2/22.03.2017/2P.6C