



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

Wednesday, the Twenty Ninth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL MP(MD) No.10905 of 2017

IN

CRL RC(MD) No.891 of 2017

M.MUTHUKALUVAN

... PETITIONER/APPELLANT/
1st ACCUSED

Vs

THE SUB INSPECTOR OF POLICE
PERIYAKULAM,
THENKARAI POLICE STATION,
THENI DISTRICT
CRIME NO. 275/2012.

... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner in connection with the S.C No. 171/2012 on the file of the Learned Assistant Sessions Judge Periyakulam dated 18.11.2016 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.A. MITHUN CHAKRAVARTHY, Advocate for the petitioner and of THE PUBLIC PROSECUTOR on behalf of the Respondents the court made the following order:-

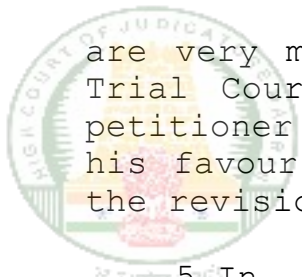
The petitioner / 1st accused in S.C.No.171 of 2012, on the file of learned Assistant Sessions Judge, Theni at Periyakulam, dated 18.11.2016 while challenging his conviction and sentence, seeks revision bail under Section 389 Cr.P.C.

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

Conviction	Sentence
Section 307 of IPC	Four Years R.I + Fine of Rs.1,000/-, i/d 3months S.I.

3.The petitioner preferred the revision against the order of dismissal passed by the learned Additional District and Sessions Judge, Periyakulam, confirming 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. Therefore, the petitioner is having *prima facie* case and having arguable points in his favour and seeks suspension of sentence during the pendency of the revision.

5. 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, Periyakulam.
- (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/-
29/11/2017

/ TRUE COPY /

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

TO

- 1 THE ASSISTANT SESSIONS JUDGE, THENI AT PERIYAKULAM
- 2 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE, PERIYAKULAM
- 3 THE JUDICIAL MAGISTRATE, PERIYAKULAM
- 4 THE CHIEF JUDICIAL MAGISTRATE, THENI
- 5 THE SUB INSPECTOR OF POLICE, PERIYAKULAM,
THENKARAI POLICE STATION, THENI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.A. MITHUN CHAKRAVARTHY Advocate SR.No.35421

ORDER
IN
CRL MP(MD) No.10905 of 2017
IN
CRL RC(MD) No.891 of 2017
Date :29/11/2017