



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

Thursday, the Fourteenth day of December Two Thousand Seventeen

PRESENT

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

CRL MP(MD) Nos.11387 and 11388 of 2017

IN

CRL RC(MD) No.929 of 2017

ABDUL RAHMAN

... PETITIONER/PETITIONER
IN BOTH THE PETITIONS

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT,
CR NO. 407/2013.

... RESPONDENT/RESPONDENT
IN BOTH THE PETITIONS

Prayer in CRL MP(MD) . 11387/2017 IN CRL RC(MD) No.929/2017:

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to Suspend the execution of the sentence by granting bail in Crl. App No. 62/2015 dated 24.05.2017 on the file of the Fast Track Mahila Court (Sessions grade) Sivagangai modifying the Judgement made in S.C No. 100/14 dated 05.12.2015 on the file of the Chief Judicial Magistrate Sivagangai pending disposal of the above Criminal Revision Petition.

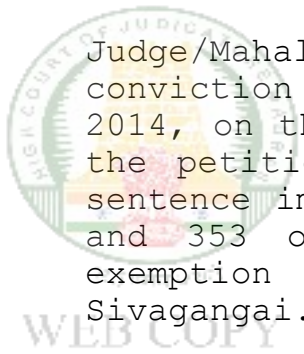
Prayer in CRL MP(MD) . 11388/2017 IN CRL RC(MD) No.929/2017:

To grant exemption of the Petitioner from surrender in Crl. App No. 62/2015 dated 24.05.2017 on the file of the Fast Track Mahila Court (Sessions grade) Sivagangai modifying the Judgement made in S.C No. 100/14 dated 05.12.2015 on the file of the Chief Judicial Magistrate Sivagangai pending disposal of the Crl. RC(MD) 929of 2017.

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

<https://hcservices.ecourts.gov.in/hcservices/>

Challenging the conviction and sentence dated 24.05.2017 passed in C.A.No.62 of 2015 on the file of the learned Sessions



Judge/Mahalir Fast Track Judge, Sivagangai, while modifying the conviction and sentence dated 05.12.2015 passed in S.C.No.100 of 2014, on the file of learned Chief Judicial Magistrate, Sivagangai, the petitioner/A3 preferred revision and also seeks suspension of sentence imposed against him for the offences under Sections 294(b) and 353 of I.P.C. He has also filed an application seeking exemption from surrender before the Chief Judicial Magistrate, Sivagangai.

2.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.

3.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/A3 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 Chief Judicial Magistrate, Sivagangai.
- (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.

C.M.P.(MD) No.11387 of 2017 is ordered accordingly. Consequently, C.M.P.(MD) No.11388 of 2017 petition filed to exempt the petitioner to surrender before the learned Chief Judicial Magistrate, Sivagangai is also ordered.

sd/-
14/12/2017

/ TRUE COPY /

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

TO



2 THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI

3 THE INSPECTOR OF POLICE
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT,

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

ORDER
IN
CRL MP (MD) No.11387 of 2017
IN
CRL RC (MD) No.929 of 2017
Date :14/12/2017

PK/RR/SAR-1/19.12.2017 : 3P/5C