



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

Tuesday, the Nineteenth day of December Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.11474 of 2017
IN
CRL RC(MD) No.938 of 2017

L.MUTHUVALAN

... PETITIONER/REVISION PETITIONER

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
USILAMPATTY TALUK POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.309/2010)

... 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 on the petitioner in the above Judgment on dated 31.10.2017 made in Crl.A.No.39 of 2017 on the file of the 1st Additional Sessions Judge, Madurai, Confirming the above Judgment dated 05.01.2017 on the file of III Additional Assistant Sessions Judge, Usilampatty Camp, Madurai District and pending disposal of the above Criminal Revision Petition.

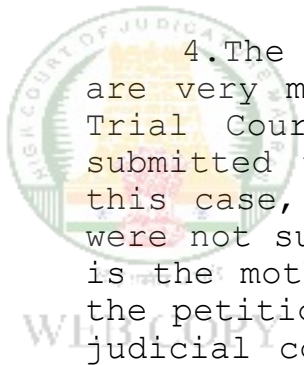
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.A.JOSEPH JERRY, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent while admitting CRL RC the court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

The petitioner / accused in S.C.No.39 of 2012, on the file of the learned III Assistant Sessions Court, Madurai while challenging his conviction and sentence dated 05.01.2017, 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	7 years R.I. + Fine of Rs.5,000/- i/d 6 months S.I.

3.Fine amount has been paid by the petitioner herein. Against the order of conviction, the petitioner preferred an appeal in C.A.No.39 of 2017 before the learned I Additional District and Sessions Judge, Madurai, which was dismissed by confirming the order of the Trial Court. Against the order of dismissal, the present Criminal Revision is preferred.



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. He further submitted that P.Ws.4 to 6, who were arrayed as eye witnesses in this case, turned hostile during their examination and P.Ws.1 to 3 were not supported by the other witnesses. The injured in this case is the mother-in-law of the petitioner herein. The motive between the petitioner and his wife was not proved in this case. The extra judicial confession given before the VAO by the accused is a weak piece of evidence, which was relied by the Trial Court in awarding the punishment. He further submitted that the petitioner / appellant is having arguable points in this revision and he is having a prima facie case in his favour and the petitioner was on bail during trial.

5.The learned Additional Public Prosecutor 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 this revision. He further submitted that the petitioner has attacked the injured with deadly weapon and the occurrence was also proved by P.Ws.1 & 3, who are the close relatives of the petitioner herein. However, the learned Additional Public Prosecutor submitted that he has no objection to grant order of suspension.

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 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 Cum District Munsif No.I, Usilampatti.
- (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.

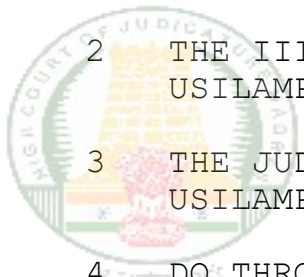
sd/-

19/12/2017

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

TO



- 2 THE III ADDITIONAL ASSISTANT SESSIONS JUDGE,
USILAMPATTY CAMP, MADURAI DISTRICT.
- 3 THE JUDICIAL MAGISTRATE CUM DISTRICT MUNSIF NO.I,
USILAMPATTI.
- 4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 5 THE INSPECTOR OF POLICE,
USILAMPATTY TALUK POLICE STATION, MADURAI DISTRICT.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.A.JOSEPH JERRY Advocate SR.No.36512

ORDER
IN
CRL MP (MD) No.11474 of 2017
IN
CRL RC (MD) No.938 of 2017
Date :19/12/2017

MKV-VR-SAR 4/20.12.2017/3P-8C