



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

Thursday, the Twenty First day of December Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.11610 of 2017

IN

CRL RC(MD) No.948 of 2017

1 KARUPPAIAH
2 MURUGESAN
3 GOPI @ GOPINATH
4 MURUGAN

... PETITIONERS / PETITIONERS

Vs

THE STATE REPRESENTED BY
THE SUB-INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION, MANAPPARAI,
TIRUCHIRAPPALLI DISTRICT.
CRIME NO.612/2011

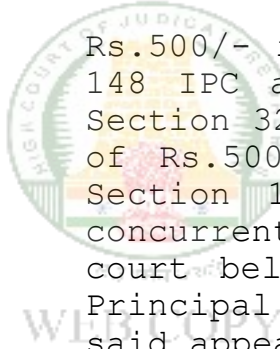
... RESPONDENT / RESPONDENT

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 the Petitioners in C.C.No.166 of 2014 on the file of the Learned Judicial Magistrate, Manapparai, Tiruchirappalli District by Judgment dated 04.10.2016, which had been confirmed in Crl.A.No.54 of 2016 on the file of the Learned Principal Sessions Judge, Tiruchirappalli, Tiruchirappalli District by Judgment dated 03.01.2017 pending disposal of the main Criminal Revision and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.A.THIRUVADI KUMAR, Advocate for the petitioner and of Mr.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondents, while admitting the CRLRC., the court made the following order:-

The learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent are present and heard.

2.The petitioners in Criminal Revision Case are arrayed as A1 to A9 in C.C.No.166 of 2014 on the file of the learned Judicial Magistrate, Manapparai and they were convicted by order dated 04.10.2016. A1 was convicted and sentenced to pay a fine of Rs.500/- i/d 2 months S.I. for the offence under Section 148 IPC and to undergo one year R.I. each for the offence under Section 324 IPC (2 counts). A4, A5 and A8 were convicted and imposed a fine of



Rs.500/- i/d to undergo 2 months S.I. for the offence under Section 148 IPC and also to undergo one year R.I. for the offence under Section 324 IPC. A2, A3, A6, A7 and A9 were sentenced to pay a fine of Rs.500/- i/d to undergo 2 months S.I. for the offence under Section 148 IPC and the said sentences are ordered to be run concurrently. Aggrieved by the judgment of conviction passed by the court below, the petitioners have preferred an appeal before the Principal Sessions Judge, Trichirapalli in C.A.No.54 of 2016 and the said appeal was also dismissed, confirming the judgment of the Trial Court. Hence, the petitioners are before this Court with the present Criminal Revision case. A1, A4, A5 and A8 have filed this petition seeking suspension of sentence.

3.The learned counsel for the petitioners submitted that the witnesses, who were examined by the prosecution, were not cross examined by the accused herein and recall application filed by this accused, were allowed on payment of costs. But the accused failed to pay the costs and hence, the petition was dismissed. However, the accused were seeking assistance of Legal Aid counsel. But it was rejected by the Court below, stating that memo filed by the accused was not signed by them. The learned counsel further submitted that the petitioners have been denied to defend their case by legal practitioner in spite of the fact that they have sought for legal assistance, the Trial Judge has ignored the same. The petitioners are having prima facie case in this Criminal Revision for acquittal.

4.The learned Additional Public Prosecutor appearing for the respondent submits that on appreciating the evidence adduced, the Courts have rightly convicted and appropriately sentenced the petitioners / accused and the petitioners are not having any prima facie case. However, he has no objection in suspending the sentence imposed by the Trial Court.

5.I have anxiously considered the submissions, perused the averments in the bail petition, impugned Judgment.

6.Perusing the impugned judgments and the materials on record and also considering the fact that it is a concurrent judgment, convicting the petitioners by the courts below, I am of the view that certain eminently arguable points are involved in this criminal revision case. They are required to be examined in detail in the main case. It will take some time for the disposal of this criminal revision. I see *prima facie* case. I am inclined to grant revision bail to the petitioners.

7. In view of the foregoing, ordered as under:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court alone is suspended.
- (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,



Manapparai.

(iv) The petitioners shall appear before the concerned Court on the first working day of every month at 10.30 a.m., until further orders.

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sd/-
21/12/2017

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE,
TIRUCHIRAPALLI , TIRUCHIRAPALLI DISTRICT
- 2 THE JUDICIAL MAGISTRATE,
MANAPPARAI, TIRUCHIRAPALLI DISTRICT
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI DISTRICT
- 4 THE SUB-INSPECTOR OF POLICE,
MANAPPARAI POLICE STATION, MANAPPARAI,
TIRUCHIRAPPALLI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. C.C. to Mr.A.THIRUVADI KUMAR Advocate SR.No.36811

JAM/26.12.17/PN/ SAR 4 / 3p-7c

ORDER
IN
CRL MP (MD) No.11610 of 2017
IN
CRL RC (MD) No.948 of 2017
Date :21/12/2017