



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

Wednesday, the Fifteenth day of March Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.1546 of 2017
IN
CRL RC(MD) No.155 of 2017

KASI

... PETITIONER/ PETITIONER

Vs

THE INSPECTOR OF POLICE,
ANJUGRAMMAM POLICE STATION, ANJUGRAMMAM,
KANYAKUMARI DISTRICT.
(IN CRIME NO.98 OF 2004)

... RESPONDENT/ RESPONDENT

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 in the order daetd 20.01.2017 in Crl.A.No.232 of 2005 passed by the Learned Sessions Judge, Mahila Fast Track Court, Nagercoil, Kanyakumari District modifying the order dated 14.09.2005 passed in C.C.No.118 of 2004 on the file of the Learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District, pending disposal of the main Crl.R.C.(MD)No.155 of 2017 and thus render justice.

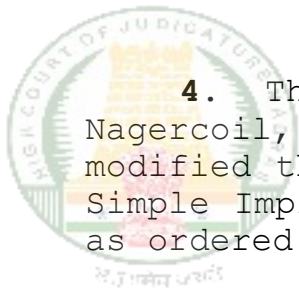
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.L.GEORGE PAUL ANTO, Advocate for the petitioner and of MR.P.KANDASAMY, Government Advocate(Crl.Side) on behalf of the Respondents the court made the following order:-

The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioner is an accused in C.C.No.118 of 2004, on the file of the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District.

3. In the said Court, the petitioner has been convicted and sentenced as under:

Conviction	Sentence
Section 3 of Tamil Nadu Prohibition of Charging Exorbitant Interest Ordinance	1 Year R.I., + Fine Rs.1000/- i/d. 3 Months S.I.



4. The learned Sessions Judge, Mahila Fast Track Court, Nagercoil, Kanyakumari District, has confirmed the conviction and modified the sentence of one year simple imprisonment into one week Simple Imprisonment and also confirmed the fine amount of Rs.1000/- as ordered by the trial Court.

5. The learned counsel appearing for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and by the Appellate Court and they are required to be revised.

6. The learned Government Advocate (Criminal Side) submitted that the Trial Court as well as the Appellate Court have rightly convicted and appropriately punished the revision petitioner. There is no *prima facie* case in favour of the petitioner/appellant. However, he has not raised any serious objection.

7. I have anxiously considered the rival submissions, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

8. Perusing the impugned judgments 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. 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 petitioner.

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

- (i) Revision bail granted
- (ii) Sentence of imprisonment ordered by the Trial Court and modified by the Appellate Court alone is suspended.
- (iii) There shall be two sureties, and petitioner shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) to the satisfaction of Judicial Magistrate No.III, Nagercoil, Kanyakumari District.
- (iv) The petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., until further orders.

sd/-
15/03/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL,
KANYAKUMARI DISTRICT.

2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
ANJUGRAMMAM POLICE STATION, ANJUGRAMMAM,
KANYAKUMARI DISTRICT.

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

5 THE SESSIONS JUDGE, MAHILA FAST TRACK COURT,
NAGERCOIL, KANYAKUMARI DISTRICT.

6 THE MAHILA FAST TRACK COURT, NAGERCOIL, KANYAKUMARI DISTRICT.

+1. C.C. to M/S.L.GEORGE PAUL ANTO Advocate SR.No.14882

ORDER IN

CRL MP(MD) No.1546 of 2017
IN

CRL RC(MD) No.155 of 2017

Date :15/03/2017

AAM-CM MSA/SAR 2/16.03.2017 2P 8c