



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

Thursday, the Twenty Third day of March Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.1693 of 2017
IN
CRL RC(MD) No.186 of 2017

SENTHANMAN

... PETITIONER/PETITIONER

Vs

THE INSPECTOR OF POLICE

UTHAPPANAYACKANOOR POLICE STATION, MADURAI DISTRICT,
CRIME NO.34/2011

... RESPONDENT/RESPONDENT

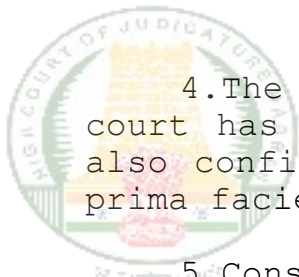
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed by the Learned Judicial Magistrate No.2, Usilampatti in C.C.No.62/2011 dated 01/07/2015 and the confirming Judgement of conviction and sentence passed by the Learned I Additional District and Sessions Judge, Madurai dated 19/10/2016 in Crl.A.No.41/2015 and enlarge the petitioner on bail pending disposal of the above Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.P.THAMBIDURAI, Advocate for the petitioner and of Mr.P.Kandasamy, Government Advocate (Crl.side) on behalf of the Respondent, the court made the following order:-

This criminal revision petition is filed to suspend the sentence imposed by the learned Judicial Magistrate No.2, Usilampatti in C.C.No.62 of 2011 on 01.07.2015 and the confirming Judgment of conviction and sentence passed by the learned I Additional District and Sessions Judge, Madurai in Crl.A.No.41 of 2015 on 19.10.2016.

2.The learned counsel for the petitioner is present. Mr.P.Kandasamy, Government Advocate (Crl.side) takes notice for the respondent herein.

3.The learned counsel for the petitioner submitted that there are several contradictions in the evidence adduced by prosecution in respect of the motive and also the first aid given at the Government Hospital, Usilampatti. It is further stated that the trial court has also not properly considered the evidence of D.W.1 and D.W.2 in this case. The petitioner is having eminent arguable points in this revision and there are certain inconsistencies in the evidence of the prosecution and the petitioner is having prima facie case in this revision.



4.The Government Advocate (Crl.side) submitted that the trial court has properly and rightly convicted the accused and which is also confirmed by the appellate court and petitioner is not having prima facie case in this revision.

5.Considering the facts and circumstances and also on perusal of the judgment of the trial court and the appellate court and the records produced by the petitioner herein, there are certain arguable points in this revision.

6.Accordingly, the sentence is suspended on the following conditions:

- (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 No.II, 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/-

23/03/2017

/ TRUE COPY /

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

TO

1 THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, MADURAI

2 THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI

3 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI

4 THE INSPECTOR OF POLICE
UTHAPPANAYACKANOR POLICE STATION, MADURAI DISTRICT

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

+1. C.C. to M/S.P.THAMBIDURAI Advocate SR.No.17308

SM:CM:SAR 2:5.4.2017:2P/7C

ORDER

IN

CRL MP (MD) No.1693 of 2017

IN

CRL RC (MD) No.186 of 2017

Date :23/03/2017

2/3