



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

Tuesday, the Twenty Eighth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

WEB COPY

CRL MP(MD) No.1715 of 2017

IN

CRL A(MD) No.65 of 2017

P. BEHIN

... PETITIONER/SOLE APPELLANT

Vs

The State of Tamil Nadu Rep.by its
THE INSPECTOR OF POLICE
COLACHEL POLICE STATION,
COLACHEL, KANYAKUMARI DISTRICT,
CRIME NO.325/2006

... 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 Sessions and Fast Track Mahila Judge, Kanyakumari at Nagercoil in S.C.No.54/2007 dated 12/08/2016 pending disposal of the above Crl.A

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

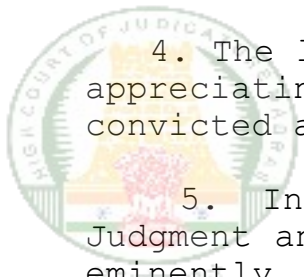
The petitioner/accused in S.C.No54 of 2007, on the file of Fast Track Mahila Judge, Kanyakumari at Nagercoil, while challenging the conviction and sentence, seeks appeal bail under Sections 389 (1) and 439 Cr.P.C.

2. After trial, the petitioner/accused has been convicted and sentenced as under:

Conviction	Sentence
Section 323 IPC	1 year S.I. + fine Rs1,000/- in default 1 1/2 months S.I.
Section 506(2) IPC	2 years S.I. + fine Rs.2,000/- in default 3 months S.I.
Section 376 r/w 511 IPC	7 years R.I. + fine Rs.80,000/-, in default 1 year R.I.

Against which, the present appeal is filed.

3. 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 the petitioner is in custody for more than from 31.08.2016.



4. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner.

5. 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 appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal. Now the petitioner was confined at Central Prison, Palayamkottai, from 31.08.2016, by which the necessity to consider this petition arises. On consideration, this Court ordered as under:

- (i) Appeal bail granted.
- (ii) Substantive 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 Sessions and Fast Track Mahila Court, Kanyakumari at Nagercoil.
- (iii) Petitioner shall appear before the Trial Court once in a week i.e. on every Monday at 10 a.m. until further order.

sd/-
28/02/2017

/ TRUE COPY /

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

TO

- 1 THE SESSIONS AND FAST TRACK
MAHILA JUDGE, KANYAKUMARI AT NAGERCOIL
- 2 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI
- 3 THE INSPECTOR OF POLICE
COLACHEL POLICE STATION, COLACHEL, KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S.C.KISHORE Advocate SR.No.11308

SM:CM-MSA:SAR I:02.03.2017:2p/6c

ORDER
IN
CRL MP (MD) No.1715 of 2017
IN
CRL A (MD) No.65 of 2017
Date :28/02/2017