



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

Thursday, the Thirteenth day of April Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.200 and 400 of 2017
IN
CRL RC(MD) No.24 and 42 of 2017

KARUPPASAMY ... PETITIONER/APPELLANT ACCUSED NO.2 IN CRL
MP(MD) No.200 IN CRL RC(MD) No.24 of 2017

S.PARAMESWARI ... PETITIONER/PETITIONER IN CRL MP(MD)
No.400 IN CRL RC(MD) No.42 of 2017

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
Q BRANCH CID POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.
(CR.NO.01/2007)

... RESPONDENT/RESPONDENT IN ALL PETITIONS

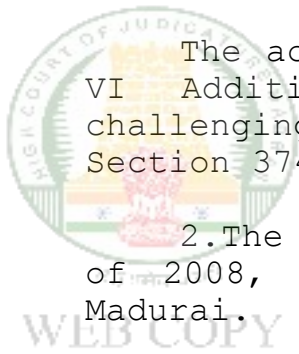
Prayer in CRL MP(MD).200/2017 IN CRL RC(MD) No.24 of 2017

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 on the petitioner by the Judgment dated 22.10.2016 passed in C.A.No.9 of 2015 on the file of the VI Additional District & Sessions Court, Madurai modifying the Judgment dated 12.01.2015 passed in C.C.No.232 of 2008 on the file of the Judicial Magistrate Court No.2, Madurai and enlarge the petitioner on bail pending disposal of the above appeal.

Prayer in CRL MP(MD). 400/ 2017 IN CRL RC(MD) No.42 of 2017:

To suspend the sentence of the dated 22.10.2016 passed in C.A.No.9 of 2015 passed against the Revision Petitioner by the VI Additional District Judge, Madurai partly allowed the judgment and sentence in C.C.No.232/2008 on the file of learned Judicial Magistrate No.II, Madurai dated 12.01.2015 and release the petitioner on bail 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.GOPALA KRISHNA LAKSHMANARAJU Senior Counsel for M./S. S.G.L.RISHWANTH, Advocate for the petitioner IN CRL MP(MD) No.200 IN CRL RC(MD) No.24 of 2017 and M/S.D.RAJENDRAN, Advocate for the petitioner IN CRL MP(MD)No.400 IN CRL RC(MD) No.42 of 2017 and of MR.P.KANDASAMY, Government Advocate(Crl.Side) on behalf of the Respondents in both the Petitions the court made the following order:-



The accused Nos.1 and 2 in C.A.No.9 of 2015 on the file of the VI Additional District and Sessions Court, Madurai, while challenging his conviction and sentence, seeks revision bail under Section 374(2) Cr.P.C.

2.The petitioners have convicted and sentenced in C.C.Nos.232 of 2008, on the file of the learned Judicial Magistrate No.2, Madurai.

3. After trial, they have been convicted and sentenced as under:

Conviction	Sentence
Section 466 of IPC for A1 and A2	2 years S.I. with fine amount of Rs.2000/- i/d one month S.I.
Section 468 IPC for A1 and A2	2 years S.I.
Section 471 IPC for A1 and A2	6 months S.I..
Section 473 IPC for A2	6 months S.I..
Section 420 IPC for A1 and A2	2 years S.I. with fine amount of Rs.2000/- i/d one month S.I.

3. Fine amount was paid by the petitioners.

4.The learned counsel for the petitioners submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and also the Appellate Court and they are required to be revised. He further submitted that as per the case of the prosecution, the petitioners have forged the records in favour of A3, who is the son of A1 in this case and hence, A3 is the beneficiary, however, he was acquitted. Hence, there are several contradictions in respect of the disputed passport and in the evidences of P.W. 1 to P.W.13 and there is no evidence to prove the charge of forgery and there are certain arguable points in these revisions and petitioners are having a prima facie case.

5.The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court as well as the Appellate Court has rightly convicted and appropriately sentenced the petitioners and the petitioners are not having any prima facie case. However, he has not raised any serious objection in these cases for suspending the sentence.

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, these petitions are ordered as under:

(i) revision bail is granted.

(ii) Substantial sentence alone is suspended on condition that the petitioners 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.2, Madurai.

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

sd/-
13/04/2017

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/ TRUE COPY /

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

TO

1 THE VI ADDITIONAL DISTRICT AND SESSIONS COURT, MADURAI

2 THE JUDICIAL MAGISTRATE NO.2, MADURAI.

3 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI

4 THE INSPECTOR OF POLICE,
Q BRANCH CID POLICE STATION,
MADURAI CITY,
MADURAI DISTRICT.

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

6 THE SUPERINTENDENT OF CENTRAL PRISON, MADURAI

7 THE SUPERINTENDENT OF CENTRAL PRISON, PULAL AT CHENNAI.

+1. C.C. TO M/S.S.SABBANI KARBURA JOTHI ADVOCATE SR.NO.20149
+1CC TO M/S.D.RAJENDRAN, ADVOCATE, IN SR NO. 20147

ORDER IN
CRL MP(MD) No.200 and 400 of 2017
IN
CRL RC(MD) No.24 and 42 of 2017
Date :13/04/2017

AAM-PM PN/SAR 2/13.04.2017 3P 10c