



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

Tuesday, the Fourteenth day of March Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.2116 of 2017
IN
CRL A(MD) No.80 of 2017

1 GOMATHI
2 VELU
NO.2&3

... PETITIONERS/APELLANTS/ACCUSED

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUVADANAI,
RAMANATHAPURAM DISTRICT
(CRIME NO. 3 OF 2009)

...RESPONDENT/RESPONDENT/
COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and enlarge the petitioners on bail imposed on the appellants by the judgement dated 17/02/2017 made in Spl.S.C.No.108/2011 on the file of Principal Sessions Court, Ramanathapuram.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.SULTHAN BASHA, Advocate for the petitioner and of M/S.P.KANDASAMY, Government Advocate (Criminal side) on behalf of the Respondents the court made the following order:-

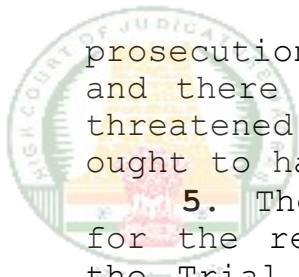
The accused in Spl.S.C.No.108 2011, on the file of the learned Principal Sessions Judge, Ramanathapuram, while challenging their conviction and sentence, seek appeal bail under Section 389(1) Cr.P.C.

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

Conviction	Sentence
Section 506(ii) of IPC.,	Each 1 Year R.I., + Each Fine of Rs.2000/-, i/d., 6 Months S.I.

3. Fine amount has been paid.

4. The learned counsel appearing for the petitioners submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He would further submit that no explanation was given by the



prosecution in respect of the causing delay in registering the FIR and there is no such specific allegation that the petitioners had threatened the complainant and on such threatening, the complainant ought to have frightened in the course of occurrence.

5. The learned Government Advocate (Criminal Side) appearing for the respondent states that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioners and there is no prima facie case in favour of the petitioners herein, however, he has not raised any serious objection to grant the order of suspension in favour of the petitioners

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 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.

7. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial sentence alone is suspended on condition that the each petitioners shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties for the like sum each to the satisfaction of the learned Judicial Magistrate, Thiruvadanai.

(iii) The petitioners 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/-

14/03/2017

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

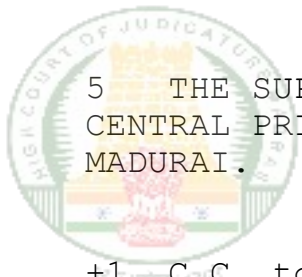
TO

1 JUDICIAL MAGISTRATE,
THIRUVADANAI.

2 CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

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

4 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
ALL WOMEN POLICE STATION, THIRUVADANAI,
RAMANATHAPURAM DISTRICT.



5 THE SUPERINDENT
CENTRAL PRISON,
MADURAI.

+1..C.C. to M/S.J.MUNEER KHAN Advocate SR.No.14352

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ORDER

IN

CRL MP (MD) No.2116 of 2017

IN

CRL A (MD) No.80 of 2017

Date :14/03/2017

KK-CM-MSA-SAR2-14.03.2017-3P-7C