



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.2181 of 2017
IN
CRL A(MD) No.83 of 2017

1 ASHOK @ ASHOKAN
2 ALAGESAN @ CHINNAPPA

... APPELLANTS/ACCUSED NOS.1 and 2

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION,
PATTUKOTTAI,
THANJAVUR DT.
CRIME NO.141/2013

... RESPONDENT/COMPLAINANT

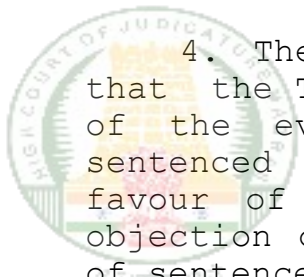
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence and conviction and made in the Judgement in S.C.No.121/2014 on the file of the Sessions Judge, Mahila Court(Fast Track Mahila Court), Thanjavur dated 16/02/2017 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. N. ANANDAKUMAR, Advocate for the petitioner and of MR.P.KANDASAMY Government Advocate (Crl.side) on behalf of the Respondent the court made the following order:-

The accused in S.C.No.121 of 2004, on the file of the learned Sessions Judge, Mahila Court (Fast Track Mahila Court), Thanjavur, while challenging their conviction and sentence, seek appeal bail under Section 389(1) Cr.P.C.

2. After trial, they have been convicted under Section 324 IPC and sentenced to undergo simple imprisonment for three years and to pay a fine of Rs.5000/- in default of payment, further to undergo simple imprisonment for three months.

3. The learned counsel for the petitioners submitted that the alleged recovery of the weapon is not proved by the prosecution in this case. The trial Court has also failed to consider the medical evidence and the injured witness in respect of the attack causing injuries upon the injured and hence, the petitioners got prima facie case in their favour. It is further submitted that the trial Court has suspended the sentence for one month from the date of judgment.



4. The learned Government Advocate (Criminal Side) submitted that the Trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution and appropriately sentenced the petitioners, and there is no prima facie case in favour of the petitioners herein. However, there is no serious objection on the side of the respondent in ordering the suspension of sentence, till the disposal of the appeal.

WEB COPY

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.

6. On considerations, ordered as under:

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

14/03/2017

/ TRUE COPY /

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

TO

- 1 THE LEARNED SESSIONS JUDGE,
MAHILA COURT (FAST TRACK MAHILA COURT), THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE, PATTUKOTTAI.
- 3 THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT.
- 4 THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION, PATTUKOTTAI, THANJAVUR DT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S. N. ANANDAKUMAR Advocate SR.No.14537

ORDER

IN

CRL MP(MD) No.2181 of 2017

IN

CRL A(MD) No.83 of 2017

Date :14/03/2017