



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

Friday, the Thirtieth day of June Two Thousand Seventeen

PRESENT

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

CRL MP (MD) No.2238 of 2017
IN
CRL RC (MD) No.253 of 2017

NAGENDRAN @ NAGARAJ,

... PETITIONER/APPELLANT/
ACCUSED NO.1

Vs

STATE REP.BY
THE DEPUTY SUPERINTENDENT OF POLICE,
Q BRANCH CID, TIRUNELVELI UNIT,
INCHARGE OF Q BRANCH CID,
RAMANATHAPURAM UNIT,
IN CRIME NO.2/2008,
RAMANATHAPURAM DISTRICT.

... RESPONDENT/RESPONDENT/
COMPLAINANT

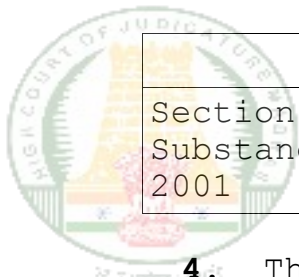
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of imprisonment passed in S.C.No.96 of 2010 dated 15.05.2010 on the file of the Assistant Sessions Judge / Chief Judicial Magistrate, Ramanathapuram confirmed in C.A.No.19 of 2015 dated 11.11.2016 on the file of the Principal Sessions Judge, Ramanathapuram till the disposal of the Crl.R.C.(MD)No.253 of 2017 and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.R.VENKATESWARAN, Advocate for the petitioner and of MR.C.MYILVAHANA RAJENDRAN, Additional Public Prosecutor for the Respondent the court made the following order:-

The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court, which dismissed the appeal for default.

2. The Revision Petitioner is an accused in S.C.No.96 of 2010 on the file of the Assistant Sessions Judge / Chief Judicial Magistrate, Ramanthapuram.

3. In the said Court, the petitioner has been convicted and sentenced as under:
<https://hcservices.ecourts.gov.in/hcservices/>



Conviction	Sentence
Section 5(a) of Explosives Substances (Amendment) Act, 2001	1 year S.I. + fine of Rs.5,000/- i/d. 3 Months S.I.

4. The learned Assistant Sessions Judge / Chief Judicial Magistrate, Ramanthapuram has dismissed the appeal on 11.11.2016.

5. The learned counsel appearing for the petitioner contended that there are several contradictions in respect of the time regarding receipt of information and also the fact of destruction of the articles seized and hence, the petitioner is having *prima facie* case in this Criminal Revision.

6. The learned Additional Public Prosecutor appearing for the respondent states that the Courts below have convicted the accused rightly after appreciating the evidence adduced by the prosecution. However, he has no objection to suspend the sentence till the disposal of the Criminal Revision.

7. I have anxiously considered the submission made on either side, perused the averments in the suspension petition, impugned Judgment and the relevant evidence on record.

8. Perusing the impugned judgments 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. It will take some time for the disposal of this Criminal Revision. I see *prima facie* case.

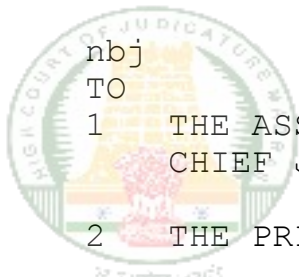
9. In view of the foregoing, ordered as under:

- (i) Revision bail is granted.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court alone is suspended.
- (iii) There shall be two sureties, and petitioner shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) to the satisfaction of the Assistant Sessions Judge / Chief Judicial Magistrate, Ramanthapuram.
- (iv) The petitioner shall appear before the said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-
30/06/2017

/ TRUE COPY /

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



nbj

TO

1 THE ASSISTANT SESSIONS JUDGE/
CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM

2 THE PRINCIPAL SESSIONS JUDGE, RAMANATHAPURAM

3 THE DEPUTY SUPERINTENDENT OF POLICE,
Q BRANCH CID, TIRUNELVELI UNIT,
INCHARGE OF Q BRANCH CID, RAMANATHAPURAM UNIT,
RAMANATHAPURAM DISTRICT.

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

+1. C.C. to M/S.R.VENKATESWARAN Advocate SR.No.25568

GJM/RR/BS/SAR-2-3.7.17-3P-6C

ORDER

IN

CRL MP (MD) No.2238 of 2017

IN

CRL RC (MD) No.253 of 2017

Date : 30/06/2017 (1/2)