



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

Monday, the Twenty Fourth day of April Two Thousand Seventeen

PRESENT

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

WEB COPY

CRL MP (MD) No.3472 of 2017

IN

CRL A (MD) No.128 of 2017

R. MURUGESAN

... PETITIONER/APPELLANT/ACCUSED NO.2

Vs

STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,

VIGILANCE AND ANTI CORRUPTION CELL,

PUDUKKOTTAI,

IN CRIME NO.6/2002,

PUDUKKOTTAI 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 execution of sentence in Spl.C.C.No.4 of 2005 dated 28/03/2017 on the file of the Learned Chief Judicial Magistrate, Pudukkottai, Pudukkottai District till the disposal of the 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.G.MATHAVAN, Advocate for the petitioner and of M/S. P.KANDASAMY, Government Advocate on behalf of the Respondents the court made the following order:-

The accused No.2 in Spl. C.C.No.4 of 2005 on the file of the learned Chief Judicial Magistrate, Pudukkottai, while challenging his conviction and sentence, seeks appeal bail.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 120(b) IPC	2 years R.I.+ Rs.1000/- i/d 3 months S.I.
Section 467 IPC	2 years R.I. + Rs.1000/- i/d 3 months S.I.
Section 468 IPC	2 years R.I. + Rs.1000/- i/d 3 months S.I.
Section 471 IPC	2 years R.I. + Rs.1000/- i/d 3 months S.I.
Section 419 IPC	2 years R.I.
Section 420 IPC	2 years R.I. + Rs.1000/- i/d 3 months S.I.



3. Fine amount has been paid and copy of receipt of payment of fine amount is also produced.

4. 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 Trial Court has convicted and sentenced the accused / A2 for the above said offences and the Trial Court itself has suspended the sentence as per order dated 28.03.2017 in CrI.M.P.No.538 of 2017 till 27.04.2017. He also submitted that the petitioner is having a prima facie case and also arguable points in this appeal.

5. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner. He further submitted that the petitioner is not having any prima facie case in this appeal. However, he has not raise any serious objection in granting appeal bail since the Trial Court has itself suspended the imprisonment.

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. On considerations, ordered as under:

(i) Appeal bail granted.

(ii) Substantial 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 Judicial Magistrate, Pudukkottai.

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

sd/-

24/04/2017

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, PUDUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI.
3. THE DEPUTY SUPERINTENDENT OF POLICE,
VIGILANCE AND ANTI CORRUPTION WING,
PUDUKKOTTAI, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.G.MATHAVAN Advocate SR.No.20956

ORDER
IN
CRL MP (MD) No.3472 of 2017
IN
CRL A (MD) No.128 of 2017
Date :24/04/2017

MS/PM.PN/SAR-4/27.04.2017/3P.6C