



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

Thursday, the First day of June Two Thousand Seventeen

PRESENT

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

CRL MP (MD) No.3965 of 2017
IN
CRL RC (MD) No.397 of 2017

R. ARUMUGAM

... PETITIONER / PETITIONER

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT
CRIME NO.621/2006

... RESPONDENT / RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the conviction and sentence dated 23/11/2016 made in C.C.No.295/2006 on the file of the Learned Judicial Magistrate, Thirumangalam pending disposal of the above Crl.R.C.

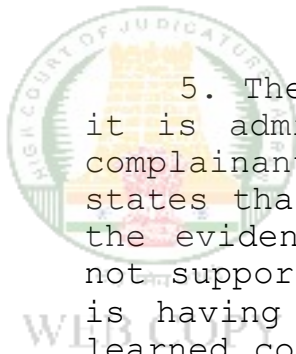
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.C.JEGANATHAN, Advocate for the petitioner and of Mr.K.ANBARASAN, Government Advocate(Crl.Side) on behalf of the Respondents , while admitting the CRLRC.,the court made the following order:-

The petitioner challenge the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2.The revision petitioner is the accused in C.C.No.295 of 2006, dated 23.11.2016 on the file of the learned Judicial Magistrate, Thirumangalam.

3. In the said Court, the petitioner has been convicted and sentenced to undergo six months Simple Imprisonment for offence under Section 279 of IPC and to pay a fine of Rs.200/- for the offence under Section 337, in default to undergo one month Simple Imprisonment and for the offence under Section 304(A) of IPC, six months Simple Imprisonment and to pay a fine amount of Rs.1,000/-; in default to undergo two months Simple Imprisonment.

4. The learned I Additional District and Sessions Judge, Madurai confirmed the conviction and sentence passed by the trial Court and dismissed the Crl.A.No.108 of 2016, dated 14.03.2017.



5. The learned counsel appearing for the petitioner states that it is admitted by PW.1, who is injured in this case and also a complainant was unconscious at the time of road accident. He further states that there is a difference in the place of occurrence as per the evidence of prosecution witnesses and the other witnesses are not supporting the case of the prosecution and thus, the petitioner is having *prima facie* case in this revision for acquittal. The learned counsel appearing for the petitioner submits that there are very many legal infirmities in the conviction recorded by the Trial Court and by the Appellate Court and they are required to be revised.

6. Mr.K.Anbarasan, learned Government Advocate (Crl. Side) takes notice on behalf of the respondent and he would submit that the Trial Court has rightly convicted the accused on the basis of the evidence adduced by the prosecution and there is no *prima facie* case in this revision for the petitioner herein.

7. I have anxiously considered the submissions, perused the averments in the bail petition, impugned Judgment.

8. Considering the facts and circumstances of the case and also the evidence of PW.1, who is injured in this case, as admitted in the cross-examination that he was unconscious at the time of signing the complaint, 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. I am inclined to grant revision bail to the petitioner.

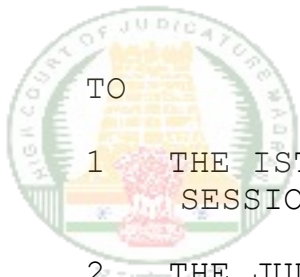
9. In view of the foregoing, ordered as under:

- (i) Revision bail granted.
- (ii) Sentence of imprisonment ordered by the Trial Court as confirmed by the Appellate Court alone is suspended till the disposal of the main revision.
- (iii) The petitioner shall execute a bond for a sum Rs.15,000/- (Rupees fifteen thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam.
- (v) The petitioner shall appear before the concerned Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-

01/06/2017

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TO

1 THE IST ADDITIONAL DISTRICT &
SESSIONS JUDGE, MADURAI

2 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM

3 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI

4 THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT

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

+1. C.C. to M/S.VEERA ASSOCIATES SR.No. 23006

JAM/06.06.17/RR/SAR 4 / 3P-7C

ORDER IN
CRL MP (MD) No.3965 of 2017
IN
CRL RC (MD) No.397 of 2017
Date :01/06/2017