



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

Friday, the Twenty Fourth day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.399 of 2017
IN
CRL A(MD) No.13 of 2017

DHARMARAJ

...APPELLANT/SOLE ACCUSED

Vs

THE STATE REP.BY

THE INSPECTOR OF POLICE

BUDALUR POLICE STATION, THANJAVUR DISTRICT

...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 imposed by the learned Sessions Judge, Mahalir Neethimandram (Fast Track Court), Thanjavur in S.C.No.223 of 2013 by the Judgment dated 21.12.2016 and enlarge the petitioners / Appellants on bail , pending disposal of the abovesaid Criminal Appeal

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.RAJAPRABHU, Advocate for the petitioner and of M/S.PRABHA,GOVERNMENT ADVOCATE,(CRL.SIDE) on behalf of the Respondents the court made the following order:-

The accused / A1, in Special Case No.223 of 2013, on the file of the learned Sessions Judge, Mahalir Neethimandram (Fast Track Mahila Court), Thanjavur, Thanjavur District, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

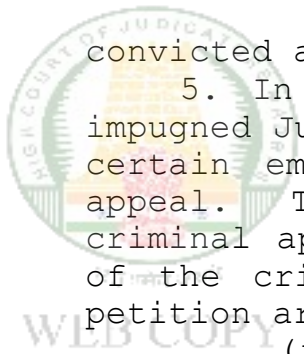
2. After trial, the petitioner has been convicted and sentenced as under:

Conviction	Sentence
Section 376 r/w. 511 of IPC	5 Years R.I., + Fine Rs.1,000/-, i/d three months SI

3. 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 states that the petitioner is in custody for more than one year and the fine amount has already been paid.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly



convicted and appropriately sentenced the petitioner.

5. In the facts and circumstances of the case, 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 by which, the necessity to consider this petition arises. On considerations, ordered as under:

(i) Appeal bail granted till the disposal of the appeal.

(ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.20,000/- (Rupees twenty thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru.

(iv) The petitioner shall appear before the said Court once in a week i.e., on every Monday at 10.30 a.m. until further orders.

sd/-
24/02/2017

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

TO

1 THE SESSIONS JUDGE,
MAHALIR NEETHIMANDRAM,
FAST TRACK MAHILA COURT,
THANJAVUR,
THANJAVUR DISTRICT.

2 THE JUDICIAL MAGISTRATE,
THIRUVAYARU.

3 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR.

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

5 INSPECTOR OF POLICE
BUDALUR POLICE STATION, THANJAVUR DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.



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KK-PMPN-SAR1-28.02.2017-3P-8C

ORDER

IN

CRL MP (MD) No.399 of 2017

IN

CRL A (MD) No.13 of 2017

Date :24/02/2017