



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

Thursday, the Eighteenth day of May Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL MP (MD) No.4159 of 2017

IN

CRL RC (MD) No.406 of 2017

WEB COPY

DUR AISAMY

... PETITIONER/REVISION PETITIONER

Vs

STATE REP.BY,
THE SUB INSPECTOR OF POLICE,
BUDALUR POLICE STATION,
CRIME NO. 6/2012,
TANJORE DISTRICT.

... 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 execution of the sentence in C.A No. 48 of 2013 dated 31.03.2016 on the file of the Honourable Principle Sessions Court, Tanjavur confirming the judgement in C.C.No. 92 of 2012 dated 31.05.2013 passed by the Honourable Judicial Magistrate, Thiruvaiyaru pending disposal of the Criminal Revision Petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.K.RAMAKRISHNAN, Advocate for the petitioner and of MRS.S.PRABHA, Government Advocate (criminal side), on behalf of the Respondent the court made the following order:-

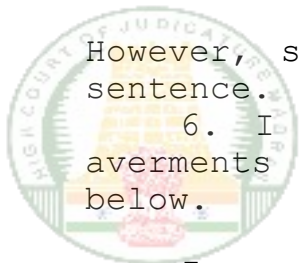
The petitioner challenges the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioner is the accused in C.C.No.92 of 2012 on the file of the Judicial Magistrate, Thiruvaiyaru.

3. The learned Principal Sessions Judge, Thanjavur, confirmed the conviction and modified the sentence of imprisonment in Criminal Appeal No.48 of 2013.

4. The learned counsel for the petitioner submitted 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. There is prima facie case in favour of the petitioner.

5. The learned Government Advocate (Criminal Side) submitted that the Trial Court and the Appellate Court have rightly convicted the petitioner on the basis of the evidence adduced by the prosecution and there is no prima facie case in this revision.



However, she has no objection to grant an order of suspension of sentence.

6. I have anxiously considered the submissions, perused the averments in the bail petition, impugned judgment of the Courts below.

7. 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. 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.
- (iii) There shall be two sureties, they and the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten thousand only) each to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District.
- (iv) The petitioner shall appear before the concerned Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-
18/05/2017

/ TRUE COPY /

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.
- 2 THE JUDICIAL MAGISTRATE, THIRUVAIYARU.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TANJAVUR DISTRICT AT KUMBAKONAM.
- 4 THE SUB INSPECTOR OF POLICE, BUDALUR POLICE STATION,
TANJORE DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.K.K.RAMAKRISHNAN Advocate SR.No.22467

ORDER
IN
CRL MP(MD) No.4159 of 2017
IN
CRL RC(MD) No.406 of 2017
Date :18/05/2017