



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

Monday, the Nineteenth day of June Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.5169 of 2017
IN
CRL RC(MD) No.478 of 2017

THANGAPANDI

... PETITIONER /1st REVISION PETITIONER

Vs

THE STATE,
REPRESENTED BY SUB INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION,
THENI DISTRICT.
(CRIME NO.34 OF 2011)

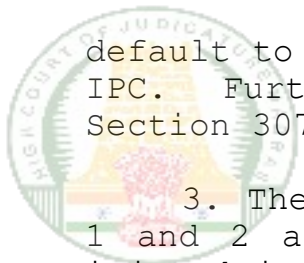
... RESPONDENT / RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed upon the petitioner by the Additional District and Sessions Court, Theni at Periyakulam in Criminal Appeal No.10 of 2015 dated 28.02.2017, confirming the Judgment and sentence imposed upon the petitioner in S.C.No.84 of 2014 dated 30.03.2015 by the Learned Assistant Sessions Judge and Chief Judicial Magistrate, Theni pending disposal of the above Criminal Revision 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 Mr.D.SELVANAYAGAM, Advocate for the petitioner and of Mr.DURAIPIANDIAN, Additional Public Prosecutor on behalf of the Respondents, while admitting the CRL RC., the court made the following order:-

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

2. The learned counsel appearing for the petitioner is present and states that the present revision is filed against the order of appellate Court passed in Crl.A.No.10 of 2005, dated 28.02.2017 by the learned Additional District and Sessions Court, Theni at Periyakulam, confirming the conviction and Judgment of the learned Assistant Sessions Judge and Chief Judicial Magistrate, Theni passed in S.C.No.84 of 2014 dated 30.03.2015, convicting the A1 to undergo 5 years Rigorous Imprisonment and to pay a fine amount of Rs.2,000/- in default to undergo 3 months RI, for the offence under Section 307 of IPC and also to A2 imposed fine amount of Rs.1,000/- in



default to undergo 2 months RI, for the offence under Section 342 of IPC. Further, the appellate has also set aside the offence under Section 307 r/w. 34 of IPC against the A2 in this case.

3. The counsel for the petitioner states that both the accused 1 and 2 are brothers and the de facto complainant, who is the injured in this case is their father's brother and there is a land dispute between them and both the accused 1 and 2 said to have attacked the defacto complainant with knife in the chest portion and caused grievous injuries. He further states that the injured in this case is now hale and healthy and they are ready to settle the issue by way of compromise. He further states that the both the parties are relatives and the petitioner is having *prima facie* case in this revision for acquittal. He further contended 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. Fine amount was already paid by the petitioner herein.

4. The learned Additional Public Prosecutor appearing for the respondents would submit that both the trial Court and appellate Court has rightly convicted the accused appreciating the evidence adduced by the prosecution before the trial Court and the petitioner is not having any *prima facie* case in this appeal.

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

6. Considering the facts and circumstances of the case, this Court finds that there are some 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.

7. 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 Chief Judicial Magistrate, Theni.
- (v) The petitioner shall appear before the concerned Court on the first working day of every English Calender month at 10.30 a.m., until further orders.

sd/-
19/06/2017



Sub-Assistant Registrar (C.S.)

TO

1 THE ASSISTANT SESSIONS JUDGE /CHIEF JUDICIAL MAGISTRATE,
THENI

2 THE ADDITIONAL DISTRICT AND SESSIONS COURT
THENI AT PERIYAKULAM

3 THE SUB INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION, THENI DISTRICT.

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

+1. C.C. to MR.D.SELVANAYAGAM Advocate SR.No.24469

JAM/21.06.17/PM-PN/SAR 1 /3P-6C

ORDER

IN

CRL MP (MD) No.5169 of 2017

IN

CRL RC (MD) No.478 of 2017

Date :19/06/2017