



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

Friday, the Twenty Third day of June Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL MP(MD) No.5366 of 2017
IN
CRL A(MD) No.196 of 2017

MURUGAN

... PETITIONER / APPELLANT

Vs

THE STATE REP.BY,
THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPARANKUNDRAM DIVISION,
IN AUSTINPATTI POLICE STATION,
MADURAI DISTRICT
IN CRIME NO.318/2012

... 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 of imprisonment on the petitioner/appellant in Special S.C.No.31/2015 on the file of the III Additional District and Sessions Judge (PCR Cases), Madurai and set-aside the order of conviction and sentence dated 02/05/2017 pending disposal of the main appeal.

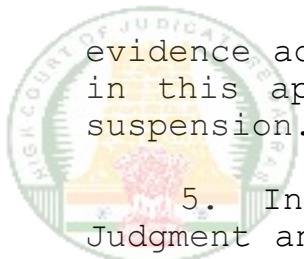
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.GURURAJ, Advocate for the petitioner and of MR.C.MAYIL VAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

The petitioner / accused in S.C.No.31 of 2015 on the file of the learned III Additional Sessions Judge (PCR Court), Madurai while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. After trial, he has been convicted and sentenced and the petitioner paid the fine amount.

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 submitted that there is prima facie case in favour of the petitioner.

4. The learned Additional Public Prosecutor submitted that the Trial court has rightly convicted the petitioner on the basis of the



evidence adduced by the prosecution and there is no prima facie case in this appeal. However, he has no objection to grant order of suspension.

5. 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. Accordingly, the petition is allowed on the following conditions:

- (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, Thirumangalam
- (iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., till the disposal of this appeal.
- (iv) If the petitioner is not able to appear before the trial Court on a particular day, he shall be permitted to file an application under Section 317 Cr.P.C. before the trial Court.

sd/-

23/06/2017

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR CASES),
MADURAI
- 4 THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUPARANKUNDRAM DIVISION, AUSTINPATTI POLICE STATION,
MADURAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.M.GURURAJ Advocate SR.No.24975

ORDER

IN

CRL MP(MD) No.5366 of 2017

IN

CRL A(MD) No.196 of 2017

Date :23/06/2017