



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

Wednesday, the Twenty Fifth day of October Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.5519 of 2017
IN
CRL RC(MD) No.498 of 2017

KUTTY @ RAJESHKANNAN

... PETITIONER/PETITIONER

Vs

THE STATE BY
THE INSPECTOR OF POLICE
VELLIYANAI POLICE STATION,
KARUR DISTRICT.

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to enlarge him on bail by suspending the sentence imposed in C.A.No.05/2017 by the Fast Track Mahila Court, Karur dated 31/01/2017 confirming the Judgment and conviction and sentence made in C.C.No.180/2010 Judicial Magistrate No.II, Karur dated 09/01/2017.

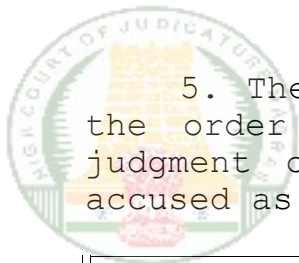
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.S.RAVI, Advocate for MR.G.MANIKANDAN, Advocate for the petitioner and of MR.T.MOHAN, Additional public prosecutor for the Respondent while admitting the Criminal Revision Petition the court made the following order:-

The Legal aid Counsel, who was appointed by this Court in this case, has withdrawn her appearance from this case and filing a memo to that effect and the same is recorded now, since the previous counsel appears in this case.

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

3. The revision petitioner is the accused in C.C.No.180 of 2016, on the file of the learned Judicial Magistrate No.II, Karur.

4. The learned Fast Track Mahila Court, Karur, confirming the conviction and sentence of the Trial Court, dismissed the Criminal Appeal in C.A.No.5 of 2017.



5. The revision petitioner has preferred this revision against the order of the Appellate Court, confirming the conviction of judgment of the Trial Court. The Trial Court had convicted the accused as under: -

Conviction	Sentence
Under Section 394 I.P.C.,	3 years Simple Imprisonment + Fine 500/- i/d 6 Simple Imprisonment.

6. The petitioner has paid the fine amount imposed by the trial Court.

7. The learned counsel appearing for the petitioner would submit that the trial Court has considered an Identification Parade, in which, P.W.1, P.W.5 and P.W.6 have identified the accused, before the concerned Magistrate and also recovered the alleged robbed jewels from one Syed Aabuthagir (P.W.10). The petitioner contends that P.W.1, P.W.5 and P.W.6 have deposed in their cross examinations that before conducting the Identification Parade, the accused was found and seen in the police station by the above said witnesses. The arrest of the accused on 02.02.2010 also differs from the evidence of the prosecution and the recovery of the jewels from P.W.10 is not supported by P.W.10 in his evidence. The case of the prosecution is not supported and corroborated by the prosecution witnesses. He also 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.

8. The learned Additional Public Prosecutor appearing for the respondent 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, he has no objection to grant order of suspension.

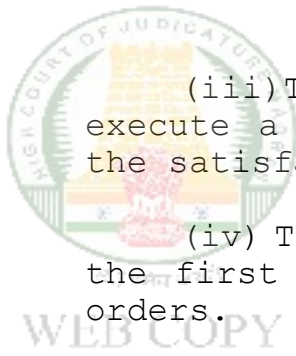
9. I have anxiously considered the submissions, perused the averments in the suspension of sentence petition and the impugned Judgment.

10. Perusing the impugned judgments and the materials on record, I am of the view that there are 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.

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

(i) Revision bail granted.

<https://hcservices.ecourt.gov.in/hcservices/> Sentence of imprisonment ordered by the Trial Court and modified 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 No.II, Karur.

(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/-
25/10/2017

/ TRUE COPY /

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

MSA
TO

- 1 THE JUDGE, FAST TRACK MAHILA COURT, KARUR
- 2 THE JUDICIAL MAGISTRATE NO.II, KARUR
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KARUR DISTRICT.
- 4 THE INSPECTOR OF POLICE
VELLIYANAI POLICE STATION, KARUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to MS/. G. MANIKANDAN Advocate SR.No.33305

GJM/PM/PN/SAR-3-30.10.2017-3P-7C

ORDER
IN
CRL MP (MD) No.5519 of 2017
IN
CRL RC (MD) No.498 of 2017
Date :25/10/2017 (1/2)