



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

Thursday, the Twentieth day of July Two Thousand Seventeen
PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP (MD) No.6384 of 2017

IN

CRL RC (MD) No.578 of 2017

EZHILMUTHU VENKATESAN

... PETITIONER/REVISION PETITIONER/
APPELLANT/ACCUSED

Vs

THE STATE REP.BY,
THE SUB INSPECTOR OF POLICE
PUTHANATHAM POLICE STATION,
CRIME NO. 177/03.

... RESPONDENT/RESPONDENT/
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 in Judgement dated 02.11.2016 in C.A No. 27/2016 by the principal Sessions Judge, Trichy Confirming the Judgement dated 14.05.2016 in C.C No. 238/2009 by the Judicial Magistrate, Manaparai pending disposal of the Criminal Revision Petition.

Order : This petition coming on for admission upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.K.BAALASUNDHARAM, Advocate for the petitioner and of MR.C.MAYILVAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent, while admitting the CRL RC., the court made the following order:-

The petitioner stood convicted for an offence under Section 409 I.P.C and sentenced to undergo three years rigorous imprisonment and also a fine of Rs.3,000/-, in default to undergo 6 months rigorous imprisonment in C.C.No.238 of 2009, on the file of the learned Judicial Magistrate, Manapparai. Challenging the same, he preferred an appeal in C.A.No.27 of 2016 on the file of the Principal Sessions Court, Tiruchirappalli. The lower appellate court dismissed the appeal, by confirming the conviction and sentence passed by the trial court. Challenging the same, the petitioner has filed Crl.R.C(MD).No.578 of 2017. Pending revision, in order to suspend the conviction and sentence imposed on the petitioner, the present petition has been filed.

2.I have Heard Mr.K.Baalasundharam, the learned Counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor appearing for the respondent and perused the records carefully.

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

3.The learned counsel appearing for the petitioner submitted



that the petitioner/accused is a Post Master. He has misappropriated the amount deposited by the general public, whereas three depositors were examined by the prosecution and all the three have turned hostile. But the courts below, without considering the said fact, has convicted and sentenced the petitioner for the offence under Section 409 of I.P.C.

4.I have considered the materials available on record.

5.Considering the facts and circumstances of the case and since there are some arguable points involved in the revision and it may take a long time for taking up the revision for hearing, I am constrained to suspend the sentence of imprisonment alone imposed against the petitioner.

6.In fine, this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended and the petitioner shall be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Manapparai, with a further condition that the petitioner shall report before the committal Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the revision or until further orders.

sd/-

20/07/2017

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

TO

- 1 THE PRINCIPAL SESSIONS JUDGE, TRICHY.
- 2 THE JUDICIAL MAGISTRATE, MANAPARAI, TRICHY DISTRICT.
- 3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.
- 4 THE SUB INSPECTOR OF POLICE,
PUTHANATHAM POLICE STATION.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to M/S.K.BAALASUNDHARAM Advocate SR.No.26953

ORDER

IN

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Date :20/07/2017