



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

Friday, the Thirteenth day of October Two Thousand Seventeen

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PRESENT

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

CRL MP(MD) No.9326 of 2017

IN

CRL RC(MD) No.777 of 2017

1 MANOHARAN
2 BHOOPALAN
3 PAPPA
4 VASANTHI

... PETITIONERS/PETITIONERS/
APPELLANTS/ACCUSED

Vs

PITCHAIKARAN

... 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 imposed by the Learned Judicial Magistrate, Thuraiyur in C.C.No.74/2009 dated 28.04.2016 for offence under Section 452, 341, 324, 323, 294(b) and 506(ii) of IPC and confirmed by the Principal Sessions Judge, Tiruchirappalli in C.A.No.23/2016 dated 07.02.2017 and grant bail to the petitioners.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.D.SHANMUGARAJA SETHUPATHI, Advocate for the petitioner and the Respondent is not appeared either in person or by an Advocate, while admitting this Crl.RC., this court made the following order:-

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

2.The revision petitioners are the accused in C.C.No.74 of 2009, on the file of the Judicial Magistrate, Thuraiyur.

3.The learned Principal Sessions Judge, Tiruchirappalli, confirming the conviction and sentence, dismissed the Criminal Appeal in C.A.No.23 of 2016.

4.The revision petitioners 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 nos.1 to 4 as under: -

Accused	Conviction	Sentence
A1	Section 452 IPC	2 Year S.I. + Fine 2000/- i/d. 4 Months S.I.
	Section 324 IPC	1 Year S.I. + Fine 1000/- i/d. 2 Months S.I.
	Section 294(b) IPC	1 month S.I. + Fine Rs.100 i/d 1 month
	Section 506(ii) IPC	2 years S.I. + Fine Rs.2000 i/d 4 months
A2	Section 452 IPC	2 years S.I. + Fine Rs.2000 i/d 4 months
	Section 341 IPC	1 month S.I. + Fine Rs.100 i/d 1 month
A3 and A4	Section 452 IPC	2 years S.I. + Fine Rs.2000 i/d 4 months
	Section 323 IPC	1 month S.I. + Fine Rs.100 i/d 1 month

5.The learned counsel appearing for the revision petitioners submitted that, as per the complainant, the occurrence took place on 12.02.2009 and the accused persons had entered into the house of the de facto complainant and the first accused attacked with aruval; the second accused said to have caught hold of the de facto complainant and accused nos.3 and 4 said to have attacked with wooden log and caused injuries. It is further submitted that the complainant has gone to the Government Hospital, Thuraiyur, for taking treatment and he was in the hospital from 12.02.2009 to 13.02.2009 and thereafter, he was referred to the Government Hospital, Trichy and was taking treatment from 14.02.2009 to 17.02.2009 and he has not chosen to examine any Doctors from the Government Hospital, Trichy. P.W.4/Doctor has not spoken about the weapon for causing injuries to P.W.1, in the wound certificate also (Ex.P5). The alleged injury caused by A3 and A4 as spoken by P.W1 is not supported by P.W.4/Doctor in his evidence.

6.P.W.5, who was the Cardiologist of the Government Hospital at Trichy was examined in respect of the X-ray along with the report, but the nature of the treatment given by the said hospital, has not been proved in this case and the present case is registered based on a private complaint filed against the petitioners herein.

7.The learned counsel for the petitioners 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 petitioners.



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

9. 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 petitioners.

10. 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 petitioners shall execute a bond for Rs.10,000/- (Rupees ten thousand only) each to the satisfaction of the learned Principal Sessions Judge, Trichirappalli .

(iv) The petitioners shall appear before the concerned Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

13/10/2017

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

TO

1. THE JUDICIAL MAGISTRATE
THURAIYUR
2. THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT.
3. THE PRINCIPAL SESSIONS JUDGE
TIRUCHIRAPPALLI

+1. C.C. to M/S.D.SHANMUGARAJA SETHUPATHI Advocate SR.No.32851

ORDER IN
CRL MP(MD) No.9326 of 2017 IN
CRL RC(MD) No.777 of 2017
Date :13/10/2017