



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

Monday, the Twenty Third day of October Two Thousand Seventeen

WEB COPY

PRESENT

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

CRL MP(MD) No.9482 of 2017

IN

CRL RC(MD) No.788 of 2017

1 RAJAN @ RAJA CLEMENT PACKIAYANATHAN

2 RAJI

3 STEPHEN

... REVISION PETITIONERS /
ACCUSED No.1 TO 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION,
TIRUNELVELI DISTRICT.
(CR.NO.117/2012)

... 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 passed in S.C.No.36 of 2014 dated 30.10.2015 by the learned Assistant Sessions Judge, Tirunelveli and which was Modified by the III Additional Sessions Judge, Tirunelveli in C.A.No.125 of 2015 dated 18.09.2017 pending disposal of the above said Revision Petition on the file of this Honourable Court 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 M/S.N.MOHIDEEN BASHA, Advocate for the petitioners and of Mr.T.MOHAN, Additional Public Prosecutor on behalf of the Respondent, 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 S.C.No.36 of 2014, on the file of the learned Assistant Sessions Judge, Tirunelveli.

3.In the said Court, the petitioners have been convicted and sentenced as under:-



Conviction	Sentence
U/s 4 of Tamilnadu Property (Prevention of Damage and Loss) Act, 1992	Each 3 years Rigorous Imprisonment + Fine 2000/- each i/d each 3 Months Rigorous Imprisonment.

4. The learned III Additional Sessions Judge, Tirunelveli, has modified the sentence from 3 years R.I., to 2 Years R.I., in CrI.A.No.125 of 2015.

5.The petitioners have paid the fine amount imposed by the trial Court.

6. The learned counsel appearing for the petitioner would submit that there is a dispute in respect of a Church in between the defacto complainant and the petitioners herein and due to that motive, a false complaint has been lodged by the defacto complainant in this case. The witnesses, who were examined by the prosecution are very close relatives and at the time of occurrence, there is no light at all and due to criminal motive, the petitioners were falsely implicated in this case. He further submitted that investigating officer in this case is a close relative of P.W.1 and the petitioners are having a prima facie case in the appeal for acquittal and A1 is also suffering from some disease. 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.

7.The learned Additional Public Prosecutor appearing for the respondent submitted that the trial Court has convicted the petitioners herein on the basis of the evidence adduced by the prosecution and the Appellate Court has modified the sentenced by reducing the imprisonment from 3 years to 2 years and there is no prima facie case in this revision. However, he has no objection to grant an order of suspension.

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:

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

(i) Revision bail granted.



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

(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/-
23/10/2017

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

TO

- 1 THE III ADDITIONAL SESSIONS JUDGE,
TIRUNELVELI.
- 2 THE INSPECTOR OF POLICE,
SIVANTHIPATTI POLICE STATION, TIRUNELVELI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. C.C. to M/S.N.MOHIDEEN BASHA Advocate SR.No.32964

ORDER
IN
CRL MP (MD) No.9482 of 2017
IN
CRL RC (MD) No.788 of 2017
Date :23/10/2017

msa
SH/CM-MSA/SAR-2:23.10.2017: 3P/5C