



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

Wednesday, the Eighth day of November Two Thousand Seventeen

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PRESENT

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

CRL MP(MD) No.9507 of 2017

IN

CRL RC(MD) No.791 of 2017

MRS. IYYAMMAL

... PETITIONER/ PETIONER

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
DCB POLICE STATION,
TUTICORIN,
TUTICORIN DISTRICT.
CRIME NO.18/2003

... RESPONDENT/ RESPONDENT

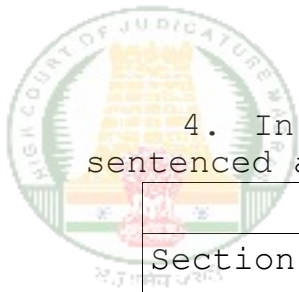
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the execution of substantive sentence of imprisonment imposed by the Learned Judicial Magistrate Court No.I, Tuticorin in C.C.No.57/2004 on 14/10/2016 and confirmed by the Learned 2nd Additional Sessions Court, Tuticorin in C.A.No.55 of 2016 on 19/09/2017 by releasing petitioner on bail to the satisfaction of Judicial Magistrate No.I, Tuticorin.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.B.RAJESH SARAIVANAN, Advocate for the petitioner and of M/S.T.MOHAN, Additional Public Prosecutor on behalf of the Respondent, While admitting the CRL RC, the court made the following order:-

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

2.The learned counsel for the petitioner is present. The learned Additional Public Prosecutor appearing for the respondent is also present.

3. The revision petitioner is sole accused in C.C.No.57 of 2004, on the file of the learned Judicial Magistrate Court No.I, Tuticorin.



4. In the said Court, the petitioner has been convicted and sentenced as under:

Conviction	Sentence
Section 468 IPC	2 Years S.I., and a fine of Rs.100/- in default, one month S.I.
Section 471 IPC	1 year S.I., and a fine of Rs.100/- in default, one month S.I.

It was ordered that the sentence of imprisonment shall run concurrently.

5. Against the order of conviction, the petitioner herein filed an appeal before the learned II Additional Sessions Court, Tuticorin. In Crl.A.No.55 of 2016 and the appeal was dismissed by the learned II Additional Sessions Court, Tuticorin confirming the judgment of the trial court. Against that order passed by the Appellate Court, the present revision has been filed.

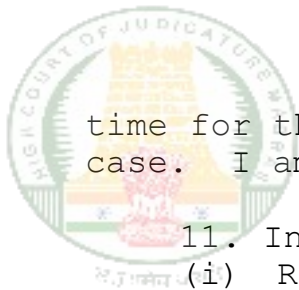
6. The learned counsel for the petitioner states that though corrections are found in the mark statement, which was in the custody of the petitioner herein, the said correction was not made by the petitioner herein. It is also stated that the petitioner has not known the person, by whom the corrections are made. But, she is not so far benefited by such correction as alleged by prosecution in this case. The petitioner was arrested on 12.10.2017 and she is now in Special Prison for Women, Central Central Prison. The petitioner is aged about 38 years and she is a house wife and she is having 2 minor children. The petitioner is convicted only for two years punishment for the alleged offences.

7. The learned counsel for the petitioner 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 petitioner.

8. The learned Government Advocate (Criminal Side) submitted that the Trial Court as well as the Appellate Court have rightly convicted and appropriately punished the revision petitioner. There is no prima facie case in favour of the petitioner. It is stated that final amount was paid.

9. I have anxiously considered the rival submissions, perused the averments in the bail petition, impugned Judgment and the relevant evidence on record.

10. Perusing the impugned judgments and the materials on record, I am of the view that 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.
- (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 petitioner shall execute a bond for Rs.15,000/- (Rupees fifteen thousand only) each to the satisfaction of the learned Judicial Magistrate No.1, Tuticorin
- (iv) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

08/11/2017

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

TO

1. THE 2ND ADDITIONAL SESSIONS JUDGE, TUTICORIN.
 2. THE JUDICIAL MAGISTRATE NO.I, TUTICORIN.
 3. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
 4. THE SUPERINTENDENT, (SPECIAL PRISON FOR WOMEN, TRICHY CENTRAL PRISON), TRICHY.
 5. THE SUB INSPECTOR OF POLICE, DCB POLICE STATION, TUTICORIN, TUTICORIN DISTRICT.
 6. THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to M/S.B.RAJESH SARAIVANAN Advocate SR.No.34040

ORDER

IN

CRL MP (MD) No.9507 of 2017

IN

CRL RC (MD) No.791 of 2017

Date : 08/11/2017

MS/PM-PN/SAR.1/09.11.2017/3P.8C