



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.9544 of 2017
IN
CRL RC (MD) No.794 of 2017

1 BALAMURUGAN,
2 ERULLAMMAL,

... PETITIONERS/PETITIONERS

Vs

STATE; REP.BY
SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI.
(CRIME NO.13/2009)

... RESPONDENT/RESPONDENT

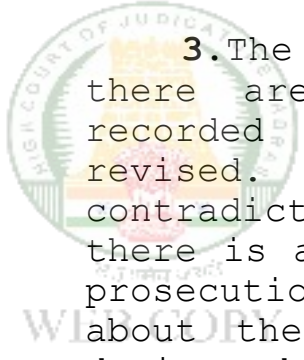
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence of Imprisonment passed by the learned II Additional District Sessions Judge, Thoothukudi in Crl.A.No.52 of 2017 by the Judgment dated 19.09.2017, by confirming the Judgment and conviction and sentence imposed the learned Judicial Magistrate No.I, Thoothukudi in C.C.No.218 of 2009 dated 14.10.2016 and enlarge the Petitioners/Accused on bail, pending disposal of the Criminal Revision 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.D.RAMESH KUMAR, Advocate for the petitioners and of MR.T.MOHAN, Additional Public prosecutor for the Respondent while admitting the Criminal Revision Petition the court made the following order:-

The petitioners / accused in C.C.No.218 of 2009, on the file of the learned Judicial Magistrate No.I, Thoothukudi while challenging their conviction and sentence, seek revision bail under Section 397(1) Cr.P.C.

2. After trial, they have been convicted and sentenced as under:

Conviction	Sentence
Section 498 (A) of IPC	1 year S.I.
Section 406 of IPC	1 year S.I.
Section 357 (3) of CrI.P.C.	compensation of Rs.1,00,000/- i/d 6 months S.I



3.The learned counsel for the petitioners submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He further submitted that there are certain material contradictions with regard to the prosecution witnesses and there is also no effective witnesses supported the case of the prosecution. It is admitted by P.W.1 that she did not depose about the custody of the gold jewels with the petitioners during the course of examination in HMOP proceedings. The petitioners are having prima facie case and the second petitioner is aged about 76 years old and arrested on 14.10.2017 and now she is in custody.

4.The learned Additional Public Prosecutor submitted that the Trial court has 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 admitted that the second petitioner, who is aged about 76 years old, is in prison from 14.10.2017 onwards and also he has no objection to grant order of suspension.

5.In the facts and circumstances, perusing the impugned Judgment 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. Further, it will take some time for the disposal of the criminal revision. On considerations, this petition is ordered as under:

- (i) Revision bail is granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioners shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the likesum each to the satisfaction of the learned Judicial Magistrate No.I, Thoothukudi and payment of compensation is also stayed.
- (iii) The petitioners shall appear before the said 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.



gns
TO

1 THE II ADDITIONAL DISTRICT SESSIONS JUDGE,
THOOTHUKUDI

2 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

4 THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THOOTHUKUDI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

6 THE SUPERINTENDENT, SPECIAL PRISON FOR WOMEN
TIRUCHIRAPPALLI.

+1. C.C. to M/S.D.RAMESH KUMAR Advocate SR.No.33119

GJM/PM/PN/SAR-3-26.10.2017-3P-8C

ORDER

IN

CRL MP (MD) No.9544 of 2017

IN

CRL RC (MD) No.794 of 2017

Date :25/10/2017 (1/2)