



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

Friday, the Tenth day of November Two Thousand Seventeen

PRESENT

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

CRL MP (MD) No.9943 of 2017  
IN  
CRL A (MD) No.445 of 2017

MUTHUPANDI

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,  
1 THE DEPUTY SUPERINTENDENT OF POLICE,  
THIRUMANGALAM, MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE  
THIRUMANGALAM NAGAR POLICE STATION,  
MADURAI DISTRICT.  
CRIME NO.595/2013

... 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 imposed on the petitioner by the III Addl.District & Sessions Judge (PCR), Madurai SSC.No.99/2014 by his judgement dated 02/08/2017 and enlarge the petitioner on bail pending disposal of the above appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MUTHUMALAI RAJA, Advocate for the petitioner and of MR.T.MOHAN Additional Public Prosecutor on behalf of the Respondents while admitting CRL A the court made the following order:-

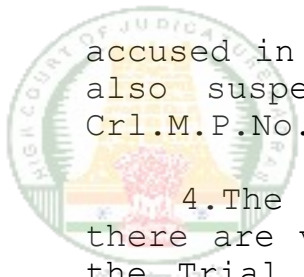
The accused in S.S.C.No.99 of 2014 on the file of the III Additional District and Sessions Court (PCR), Madurai, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2.After trial, he has been convicted and sentenced as under:

| Conviction         | Sentence                                         |
|--------------------|--------------------------------------------------|
| Section 294(B) IPC | Fine Rs.500/- i/d. One week S.I.                 |
| Section 324 IPC    | 2 Years R.I. + Fine Rs.1,000/- i/d. 1 Month S.I. |
| Section 323 IPC    | 6 months R.I. + Fine Rs.500/- i/d. 15 days S.I.  |

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

3.The present Appeal is preferred against the order of conviction passed by the trial Court. The petitioner is the sole



accused in this case. Fine amount was paid and the Trial Court has also suspended the sentenced as per order dated 03.09.2017 in Crl.M.P.No.1635 of 2017.

4.The learned counsel appearing for the petitioner submits that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He would further submit that legal aid counsel had conducted the case on behalf of the petitioner before the Trial Court and hence, there was a communication gap in filing the present appeal before this Court. He also submits that there is a lot of discrepancy while registering the case and the Trial Court came to the conclusion that P.W.3 got injury without any medical records and also relevant witness, however, the petitioner was convicted under Section 323 IPC. He further submits that P.W.1 to 4 are all interested witnesses and relatives and the accused abused the victim in front of the house of P.W.1 and not in a public place. He submits that the petitioner is having prima facie case in this Criminal Appeal.

5.The learned Additional Public Prosecutor appearing for the respondent submits that on appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner / accused and the petitioner is not having any prima facie case. However, he has no objection in suspending the sentence imposed by the Trial Court.

6.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 Appeal. They are required to be examined in detail in the main Criminal Appeal. Further, it will take some time for the disposal of the Criminal Appeal.

7.On considerations, ordered as under:

- (i) Appeal bail is granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen thousand only) with two sureties each for the like sum each to the satisfaction of the learned III Additional District and Sessions Court (PCR), Madurai.
- (iii) The petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., until further orders.

sd/-  
10/11/2017

/ TRUE COPY /

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



TO

1 III ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR), MADURAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,  
THIRUMANGALAM, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,  
THIRUMANGALAM NAGAR POLICE STATION, MADURAI DISTRICT.

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

+1. C.C. to M/S.S.MUTHUMALAI RAJA Advocate SR.No.34247

ORDER

IN

CRL MP (MD) No.9943 of 2017

IN

CRL A (MD) No.445 of 2017

Date :10/11/2017

MKV-PM-PN-SAR 3/13.11.2017/3P-6C