



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

Friday, the Tenth day of November Two Thousand Seventeen

PRESENT

WEB COPY

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

CRL MP(MD) No.9990 of 2017
IN
CRL RC(MD) No.806 of 2017

1 RAMASAMY
2 RAJ

... PETITIONERS / PETITIONERS

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
BOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.931/2000

... 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 by the Learned II Additional Assistant Sessions Judge, Nagercoil in S.C.No.35/2009 dated 15/04/2013 and the confirming judgement passed by the Learned Sessions Judge/Mahila Fast Track Court, Nagercoil dated 13/07/2016 in C.A.No.35/2013 and enlarge the petitioners on bail pending disposal of the above Crl.R.C

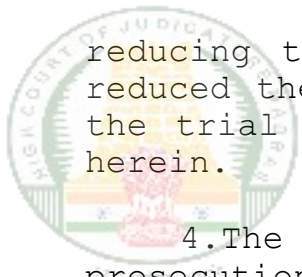
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.B.CHARMURUGAN, Advocate for the petitioner and of Mr.T.MOHAN Additional Public Prosecutor on behalf of the Respondent, while admitting the Crl.R.C., the court made the following order:-

The petitioners / accused in S.C.No.35 of 2009 on the file of the learned II Additional Assistant Sessions Judge, Nagercoil, dated 15.04.2013 while challenging his 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 235(2) of Cr.P.C.	5 years S.I. each + compensation Rs.10,000/- each in default one year S.I

3. Aggrieved by the order of conviction, the petitioners preferred the Criminal Appeal before the Sessions Judge / Mahila Fast Track Court, Nagercoil and the appeal was partly allowed,



reducing the sentence of imprisonment into 2 years each and also reduced the fine amount of Rs.2,000/- each. Against that order of the trial Court, the present revision is filed by the petitioners herein.

4.The learned counsel for the petitioners submitted that the prosecution has not proved that the petitioners were in possession of the alleged explosive substances and the place of occurrence was also not proved. He further submitted that there is no materials adduced by the prosecution to hold that the petitioners were found guilty of the alleged offence. As per the report of the chemical examination the alleged substance is not an explosive substance and the co-accused in this case was enlarged on bail in CrI.MP(MD). No.9991 of 2017 in CrI.R.C.(MD)No.806 of 2017 by this Court. Therefore, the petitioners are having prima facie case and having arguable points in their favour and seek suspension of sentence during the pendency of the revision.

5.The learned Additional Public Prosecutor submitted that the Trial court has rightly convicted the petitioners on the basis of the evidence adduced by the prosecution, which was also confirmed by the appellate court and there is no prima facie case in this revision.

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 revision. They are required to be examined in detail in the main 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 II Additional Assistant Sessions Judge, Nagercoil.

(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/-
10/11/2017

/ TRUE COPY /

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



TO

1 THE SESSIONS JUDGE / MAHILA FAST TRACK COURT,
NAGERCOIL.

2 THE II ADDITIONAL ASSISTANT SESSIONS JUDGE,
NAGERCOIL.

3 THE INSPECTOR OF POLICE,
BOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. C.C. to M/S.MALAIYENDRAN Advocate SR.No.34293

ORDER

IN

CRL MP (MD) No.9990 of 2017

IN

CRL RC (MD) No.806 of 2017

Date :10/11/2017

MV:CM:SAR3:14/11/2017/3P/6C