



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

Thursday, the Second day of March Two Thousand Seventeen

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PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.9527 of 2016

IN

CRL RC(MD) No.169 of 2016

MOHAN

... PETITIONER/PETITIONER.

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
EAST POLICE STATION,
THANJAVUR,
CR NO. 134/2010.

... 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 1 Additional District and Sessions Judge (PCR) Thanjavur in Crl.A.No.22 of 2013 by the judgement dated 26.08.2015 Confirmed by the Learned Additional Assistant Sessions Judge, Thanjavur in S.C. No. 224 of 2010 by the judgement dated 24.01.2013 and enlarge the Petitioner on bail pending disposal of the Criminal Revision Petition.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.KARUNANITHI, Advocate for the petitioner and of MRS.S.PRABHA, Government Advocate(Crl.Side), on behalf of the Respondent, 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 Revision Petitioner is the accused No.3 in S.C.No.224 of 2010 on the file of the learned Additional Assistant Sessions Court, Thanjavur.

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

Conviction	Sentence
Section 397 of IPC.,	7 years Rigorous Imprisonment

<https://hcservices.courts.gov.in/hcservices/>
4. The Learned I Additional District and Sessions Judge (P.C.R), Thanjavur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.22 of 2013.



5. 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.

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6. 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 his favour.

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

8. 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. Further, the petitioner was on bail in the Trial Court. I see prima facie case. I am inclined to grant revision bail to the petitioner.

9. In view of the foregoing, ordered as under:

- (i) Revision bail granted till the disposal of the Criminal Revision.
- (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.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the learned Judicial Magistrate NO.I, Thanjavur.
- (iv) The Petitioner shall appear before the said Court on the first working day or every month at 10.30.a.m., until further orders.

sd/-

02/03/2017

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

TO

1 THE ADDITIONAL ASSISTANT SESSIONS COURT,
THANJAVUR.

2 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE (PCR),
THANJAVUR.



3 DO THRO THE PRINCIPAL SESSIONS JUDGE,
THANJAVUR AT KUMBAKONAM.

4 THE JUDICIAL MAGISTRATE NO.1,
THANJAVUR.

5 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

6 THE ADDL.PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

7 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

8 THE INSPECTOR OF POLICE
EAST POLICE STATION,
THANJAVUR,

+1. C.C. to M/S.M.KARUNANITHI Advocate SR.No.12202.

ORDER
IN
CRL MP (MD) No.9527 of 2016
IN
CRL RC (MD) No.169 of 2016
Date :02/03/2017

AM/JM/SAR-3/03.03.2017/3P/10C