



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.GOKULDAS

Crl.R.C.(MD)No.761 of 2016

1.Kanthan
2.Duraiaraj

..Petitioners/Accused Nos.1 & 2

Vs.

The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.361/2013)

..Respondent/Complainant

PRAYER: The Criminal Revision Case is filed under Section 397 r/w 401 Cr.P.C., to call for the records in Crl.M.P.No.4218 of 2016 dated 04.10.2016 pending in C.A.No.61 of 2016 on the file of the III Additional District and Sessions Judge, Tirunelveli and to revise the same.

For Petitioners : Mr.N.Mohideen Basha
For Respondent : Mrs.S.Prabha, G.A.(Crl.side)

O R D E R

This petition is filed to revise the order passed in Crl.M.P.No.4218 of 2016 dated 04.10.2016 pending in C.A.No.61 of 2016 by the III Additional District and Sessions Judge, Tirunelveli.

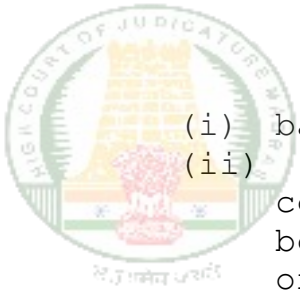
2.The learned counsel for the petitioners present and the learned Government Advocate (Crl.side) appearing for the respondent Police is also present and heard.

3.The accused Nos.1 and 2 in C.A.No.61 of 2016 on the file of the III Additional Sessions Judge, Tirunelveli, seek suspension of sentence under Section 397 r/w 401 of Cr.P.C.

4.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 considered in the C.A.No.61 of 2016 which is pending before the Court below.

5.The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioners.

6.In the facts and circumstances, perusing the impugned order and the materials on record, I am of the view that certain eminently arguable points are involved in the appeal. They are required to be examined in detail in the main appeal. Further, it will take some time for the disposal of the same. Further, the petitioners are in custody for more than 100 days, by which, the necessity to consider this petition arises. On considerations, ordered as under:



(i) bail is granted.

(ii) Substantial sentence alone is suspended on condition that the petitioners shall execute a bond for Rs.20,000/- (Rupees twenty thousand only) each with two sureties for the likesum each to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli.

(iii) The petitioners shall appear before the said Court daily at 10.30 a.m., until further orders.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar(CS)

To

1. THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE,
TIRUNELVELI.

2. THE PRINCIPAL SESSIONS JUDGE, TIRUNELVELI.

3. THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

4. THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

5. THE INSPECTOR OF POLICE, TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

7. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

+1CC to Mr.N.Mohideen Basha, Advocate in SR.20033

Cr1.R.C.(MD)No.761 of 2016

10.01.2017

nbj

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