



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

Monday, the Eighteenth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.1086 of 2019

IN

CRL RC(MD) No.21 of 2019

RAVI

... PETITIONER/PETITIONER

Vs

STATE THROUGH,
THE INSPECTOR OF POLICE,
NESAMONY NAGAR POLICE STATION,
TRAFFIC INVESTIGATION WING,
NAGERCOIL,
KANYAKUMARI DISTRICT.
IN CRIME NO.53/2005

... 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 upon the petitioner passed by the Learned Judicial Magistrate Court No.III, Nagercoil in C.C.No.111/2015 dated 14/06/2012 modified by the Judgement passed by the Learned Additional District and Sessions Judge, Kanyakumari District at Nagercoil in Crl.A.No.136/2008 dated 26/07/2018 pending disposal of the Crl.R.C.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.P.T.RAMESH RAJA, Advocate for the petitioner and of MR.A.ROBINSON, 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 an accused in C.C.No.111 of 2005, on the file of the learned Judicial Magistrate No.III, Nagercoil.

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

Conviction	Sentence
Section 304-A I.P.C.	Three months R.I. and imposed a fine of Rs.1,000/- in default one month simple imprisonment.



4. The learned District and Sessions Judge, Kanyakumari at Nagercoil, confirmed the conviction and reduced the sentence from three months rigorous imprisonment to one month rigorous imprisonment and enhanced the fine amount from Rs.1,000/- to Rs.5,000/- and partly allowed the Criminal Appeal No.136 of 2006, dated 26.06.2018.

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.

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 and 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.

(ii) Sentence of imprisonment ordered by the Trial Court as partly allowed 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.III, Nagercoil.

(iv) The petitioner shall appear before the Judicial Magistrate No.III, Nagercoil, on the first working day of every week at 10.30 a.m., until further orders.

sd/-

18/02/2019

/ TRUE COPY /

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



1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE,
KANYAKUMARI AT NAGERCOIL

2 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.

3 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL

4 THE INSPECTOR OF POLICE,
NESAMONY NAGAR POLICE STATION,
TRAFFIC INVESTIGATION WING,
NAGERCOIL, KANYAKUMARI DISTRICT,

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

+1. C.C. to M/S.P.T.RAMESH RAJA Advocate SR.No.3357

ORDER
IN
CRL MP (MD) No.1086 of 2019
IN
CRL RC (MD) No.21 of 2019
Date :18/02/2019 (1/2)

LS
PK/JC/SAR-1/22.02.2019 : 3P/7C