



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.1289 of 2019
IN
CRL RC(MD) No.45 of 2019

1 P.KAMARAJ
2 K.KARTHICK

... PETITIONERS/PETITIONERS/
APPELLANTS/ACCUSED 1 AND 2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
PONMALAI POLICE STATION,
TRICHY DISTRICT.
Crime No.192/2015

... RESPONDENT/ RESPONDENT/
RESPONDENT/COMPLAINANT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed against the petitioners by the learned Principal Sessions Judge, Trichy dated 31/07/2018 in C.A.NO.69 of 2017 by confirming the judgment dated 24/07/2017 in C.C.NO.77 of 2016 on the file of the Learned Judicial Magistrate NO.V, Trichy and release the petitioners on bail till the disposal of the above revision petition and thus render justice.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.T.SENTHIL KUMAR, Advocate for the petitioner and of Mr.A.ROBINSON, Government Advocate (criminal side) on behalf of the Respondent, the court made the following order:-

The petitioners challenge the legality and propriety of the conviction and sentence recorded by the Trial Court as well as by the Appellate Court.

2. The revision petitioners are accused in C.C.No.77 of 2016, on the file of the learned Judicial Magistrate No.V, Trichy.

3. In the said Court, the petitioners have been convicted and sentenced as under:



WEB COPY

Conviction	Sentence
<u>First petitioner/A1</u> Section 294(b) I.P.C.	Three months simple imprisonment and to pay a fine of Rs.1,000/- in default 15 days simple imprisonment.
<u>Second Petitioner/A2</u> Section 294(b) I.P.C.	Three months simple imprisonment and to pay a fine of Rs.1,000/- in default 15 days simple imprisonment.
Section 324 I.P.C	Two years simple imprisonment and to pay a fine of Rs.4,000/- in default six months simple imprisonment.

4. The learned Principal Sessions Judge, Trichy, confirmed the conviction and sentence and dismissed the Criminal Appeal No.69 of 2017, dated 31.07.2018.

5. The learned counsel for the petitioners 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 petitioners.

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 their 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 petitioners were on bail in the Trial Court. I see prima facie case. I am inclined to grant revision bail to the petitioners.

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

(i) Revision bail granted.

<https://hcservices.court.gov.in/hcservices> of imprisonment ordered by the Trial Court as dismissed by the Appellate Court alone is suspended.



(iii) There shall be two sureties, they and the petitioners shall execute a bond for Rs.10,000/- (Rupees ten thousand only) each to the satisfaction of the learned Judicial Magistrate No.V., Trichy.

(iv) The petitioner shall appear before the learned Judicial Magistrate No.V., Trichy, 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.

TO

1. THE PRINCIPAL SESSIONS JUDGE,
TRICHY.
2. THE JUDICIAL MAGISTRATE NO V,
TRICHY.
3. THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
4. THE INSPECTOR OF POLICE,
PONMALAI POLICE STATION, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to Mr.T.SENTHIL KUMAR Advocate SR.No.3227

ORDER
IN
CRL MP(MD) No.1289 of 2019
IN
CRL RC(MD) No.45 of 2019
Date :18/02/2019

TK/PN/SAR-2/20.02.2019/3P/7C