

Petitioner Vs. Respondent

Petitioner Vs. Respondent

SooperKanoon Citation : sooperkanoon.com/1191079

Court : Chennai

Decided On : Apr-26-2016

Judge : M. Venugopal

Appeal No. : Crl.M.P.No. 4899 of 2016 in Crl.R.C.No. 688 of 2016

Appellant : Petitioner

Respondent : Respondent

Judgement :

M. Venugopal, J.

1. Heard both sides.

2. The Petitioners/Appellants/A1 and A2 have preferred the present Criminal Revision Petition as against the judgment dated 18.12.2015 in C.A.No.33 of 2014 passed by the Learned III Additional District and Sessions Judge, Coimbatore, modifying the judgment made in C.C.No.507 of 2012 dated 17.02.2014 passed by the Learned Judicial Magistrate-VII, Coimbatore.

3. It comes to be known that the trial Court in C.C.No.507 of 2012 had convicted the First Petitioner/A1 and sentenced him to undergo Rigorous Imprisonment for a period of one year and further, directed him to pay a fine of Rs.1000/-, in default of payment of the fine amount, directed him to undergo Rigorous Imprisonment for a

period of one month in respect of the offence under Section 325 IPC. Insofar as the Second Petitioner/A2 is concerned, the trial Court convicted and sentenced him to undergo Rigorous Imprisonment for a period of six months and further, directed him to pay a fine of Rs.1000/-, in default of payment of the said fine amount, directed him to undergo Rigorous Imprisonment for one month under Section 324 IPC.

4. Being dissatisfied with the judgment dated 17.02.2014 in C.C.No.507 of 2012 passed by the trial Court, the Petitioners had preferred C.A.No.33 of 2014 before the Appellate Court and the Appellate Court by means of judgment dated 18.12.2015, partly allowed the Appeal by modifying the judgment of the trial Court.

5. In fact, the Appellate Court had convicted the First Petitioner/A1 and sentenced him to undergo Rigorous Imprisonment for 9 months and further, directed him to pay a fine of Rs.1000/-, in default, ordered him to undergo Simple Imprisonment for one month in respect of the offence under Section 325 IPC and insofar as the Second Petitioner/A2 is concerned, it sentenced him to undergo Rigorous Imprisonment for a period of three months and further, directed him to pay a fine of Rs.1000/-, in default, directed him to undergo Simple Imprisonment for one month under Section 324 IPC.

6. The Revision Petitioners/A1 and A2 have projected the instant Revision Petition before this Court being dissatisfied with the judgment dated 18.12.2015 in C.A.No.33 of 2014 passed by the Appellate Court, primarily taking a plea that both the Courts below had failed to appreciate that P.W.1 had lodged a false complaint against both the accused.

7. The Learned counsel for the Petitioners submits that except the interested witnesses, no independent witnesses were examined and apart from that, a civil dispute is pending as regards the property in question.

8. Yet another stand taken on behalf of the Petitioners is that the evidence of P.W.1 and P.W.2 before the trial Court were highly contradictory in nature and in short, they were unbelievable. Furthermore, the police officials had not conducted any investigation at the scene of occurrence immediately, after the alleged

incident.

9. It is represented on behalf of the Petitioners/A1 and A2 that the Petitioners had remitted the fine amount before the trial Court itself.

10. In the instant case, the Petitioners/A1 and A2 have exercised their procedural facility right of filing the present Criminal Revision Petition as adumbrated under Criminal Procedure Code. At this stage, this Court had perused the numerous grounds set out in the memorandum of grounds of the Revision Petition (filed by the Petitioners) and is to the earnest opinion that the Petitioners have raised some substantial or tangible points which are to be looked into by this Court and determined at the time of final disposal of the main Criminal Revision Petition because of the simple reason that they require a detailed rumination.

11. Inasmuch as the Petitioners have filed the present Criminal Revision Petition before this Court and in the present Miscellaneous Petition, they have sought for suspending the sentence imposed on them by the Appellate Court by means of judgment in C.A.No.33 of 2014 dated 18.12.2015 and also, this Court taking note of yet another fact that the present Criminal Revision Petition is not likely to be heard in the immediate future and also considering the attendant facts and circumstances of the present case, is inclined to suspend the substantial sentence of imprisonment alone and orders the release of the Petitioners/A1 and A2 on executing a separate bond for a sum of Rs.15,000/- (Rupees Fifteen thousand only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate-VII, Coimbatore and on further condition that they shall appear before the said Court on the First Working day of every English calendar month at 11.00 A.M. without fail until further orders.

12. This Miscellaneous Petition is ordered accordingly.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com