



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

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice C.T.SELVAM
and

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.3888 of 2018

IN

CRL A (MD) No.258 of 2018

SATHAM HUSSAIN

... PETITIONER/APPELLANT/ACCUSED-1

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
OOMACHIKULAM, MADURAI DISTRICT,
CR.NO.401/2017
OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

... 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 imposed on the petitioner by judgment dated 21/02/2018 in special S.C.No. 86/2017 passed by the Learned III Additional District and Sessions Judge for PCR Cases, Madurai and enlarge the petitioner on bail 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.V.R.BALASUBRAMANIANM for MR.M.SEENI SULTHAN, Advocate for the petitioner and of MR.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

[Order of the Court made by **C.T.SELVAM, J.,**]

<https://hcservices.ecourts.gov.in/hcservices/>

Petitioner is arrayed as the first accused in S.C.No.86 of



2017, on the file of the III Additional District and Sessions Judge for PCR Cases, Madurai and under Judgment dated 21.02.2018 he has been convicted and sentenced as follows:

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Offence	Sentence
294 IPC	To undergo one month simple imprisonment and to pay a fine of Rs.100/-, in default to undergo 10 days imprisonment
341 IPC r/w 34 IPC r/w 3(2)(V) SC/ST (POA) Act	To undergo one month simple imprisonment and to pay a fine sum of Rs.500/- in default to undergo 10 days imprisonment
302 IPC 34 IPC r/w 3(2)(V) SC/ST (POA) Act	To undergo life imprisonment and also to pay fine sum of Rs.1000/- in default to undergo three months imprisonment
3(1)(X) SC/ST (POA) Act r/w 34 IPC	To undergo 1 year rigorous imprisonment and to pay a sum of Rs.5000 in default to undergo 3 months imprisonment

Petitioner has come forward with the above Miscellaneous Petition, seeking relief of suspension of sentence pending appeal.

2. The case of the prosecution is that owing to previous enmity, the deceased was done to death by the accused 1 and 2. Case was registered in Crime No.401 of 2017, on the file of the respondent police and the same on completion of investigation, filing of final report and on committal was tried by the III Additional District and Sessions Judge for PCR Cases, Madurai, in S.C.No 86 of 2017 and under Judgment dated 21.02.2018, the first accused was convicted for the offences, stated supra.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. Considering the facts and circumstances of the case and the submission of both sides and also considering that the appeal is not likely to be heard in the near future, this Court considers it appropriate to suspend the substantive portion of sentence imposed on the petitioner.

6. Accordingly, the present Miscellaneous Petition is allowed and substantive sentence of imprisonment alone is suspended in respect of the petitioner/accused and he is directed to be enlarged on bail on condition that he shall execute a bond in a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the III Additional District and Sessions Judge for PCR Cases, Madurai, and on further condition



that petitioner shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m. pending appeal.

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/ TRUE COPY /

sd/-
01/08/2018

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

TO

- 1 THE III ADDITIONAL DISTRICT
AND SESSIONS JUDGE FOR PCR CASES, MADURAI
 - 2 THE DEPUTY SUPERINTENDENT OF POLICE,
OOMACHIKULAM, MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION, MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.M.SEENI SULTHAN, Advocate SR.No.14847

ORDER
IN
CRL MP (MD) No.3888 of 2018
IN
CRL A (MD) No.258 of 2018
Date :01/08/2018

PK/RR/SAR-1/03.08.2018 : 3P/6C