



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

Thursday, the First day of August Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.SATHYANARAYANAN
and
The Hon`ble Mr Justice B.PUGALENDHI

CRL MP(MD) No.6633 of 2019
IN
CRL A(MD) No.521 of 2018

SATHAM HUSSAIN

... APPELLANT/ACCUSED No.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION,
PUDUKKOTTAI,
CRIME NO.9 OF 2011 OF ARIMAZHAM
(VALLATHIRAKOTTAI POLICE STATION)

... RESPONDENT/COMPLAINANT

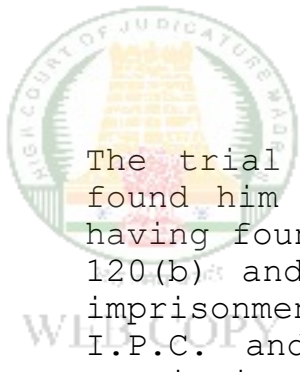
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner/ Appellant/Accused in S.C.No.93 of 2011 dated 26.09.2018 on the file of the learned Principal District and Sessions Judge, Pudukkottai and enlarge him on bail pending disposal of the appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.G.ANBU SARAVANAN, Advocate for the Appellant and of Mr.S.CHANDRASEKAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of this Court was made by **M.SATHYANARAYANAN, J**)

The petitioner/appellant is arrayed as A2 in S.C.No.93 of 2011 on the file of the Court of Principal Sessions Judge, Pudukkottai and he was tried along with A3 to A5. The trial Court has framed the following charges against the accused.

A2 to A5	120(b) I.P.C.
A2 and A4	302 (2 counts) I.P.C.
A3 and A5	302 r/w 34 I.P.C.
A2 and A4	201 I.P.C.
A5	201 r/w 34 I.P.C.



The trial Court under the impugned judgment dated 26.09.2018 has found him not guilty for the offence under Section 201 I.P.C. and having found him guilty for the commission of offence under Sections 120(b) and 302 (2 counts) I.P.C., sentenced him to undergo life imprisonment for the commission of offence under Section 120(b) I.P.C. and also sentenced to undergo life imprisonment for the commission of offence under Section 302 I.P.C. (2 counts). The petitioner, challenging the legality of the said conviction and sentence, preferred the present appeal and pending appeal, filed the present petition seeking suspension of the substantive sentence of imprisonment.

2.Mr.G.Anbu Saravanan, learned counsel appearing for the petitioner would submit that A4 has been attributed with fatal overt act and this Court vide order dated 11.07.2019, made in Crl.M.P.No.5743 of 2019 in Crl.A.(MD) No.524 of 2018 granted suspension of the substantive sentence of imprisonment in respect of A4 and he would further pointed out though the prosecution projected P.W.8 as an eyewitness, he turned hostile and though it taken a different incarnation as a case on circumstantial evidences, the chain of circumstances have not been complete and since the petitioner is having a bright chance of success in this appeal, prays for suspension of the substantive sentences of imprisonment.

3.Per contra, Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the State would submit that the points urged by the learned counsel appearing for the petitioner can be appreciated only at the time of final disposal and hence, prays for dismissal of this petition.

4.This Court has carefully considered the rival submissions and also perused the materials placed before it including the impugned judgment and the order of this Court dated 11.07.2019, made in Crl.M.P.No.5743 of 2019 in Crl.A.(MD) No.524 of 2018.

5.In the considered opinion of this Court, the reasons assigned by this Court for granting suspension of sentence for A4 vide order dated 11.07.2019, made in Crl.M.P.No.5743 of 2019 in Crl.A.(MD) No.524 of 2018 would be applicable to the case of the petitioner also. Therefore, this Court is of the view that the petitioner/appellant is entitled for suspension of the substantive sentence of imprisonment pending this appeal.

6.In the result, the petition is ordered and the substantive sentence of imprisonment alone in respect of the petitioner/A2 is suspended and the petitioner/A2 is directed to be enlarged on bail on condition that the petitioner/A2 shall execute a bond for a sum of Rs.10,000/- [Rupees ten thousand only] with two sureties each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Thirumayam and on further condition that the petitioner/A2 shall appear before the Committal Court, viz., the



Court of District Munsif-cum-Judicial Magistrate, Thirumayan
[PRC.No.7/2011] on the first working day of every English Calendar
Month at 10.30 a.m. until further orders.

sd/-
01/08/2019

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/ TRUE COPY /

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

TO

- 1.THE PRINCIPAL SESSIONS JUDGE,
PUDUKKOTTAI.
 - 2.THE PRINCIPAL DISTRICT AND SESSIONS JUDGE,
PUDUKOTTAI.
 - 3.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUMAYAM.
 - 4.THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
 - 5.THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION, PUDUKKOTTAI,
 - 6.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 7.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. C.C. to Mr.G.ANBU SARAVANAN Advocate SR.No.12721

ORDER
IN
CRL MP (MD) No.6633 of 2019
IN
CRL A (MD) No.521 of 2018
Date :01/08/2019

sj
TK/VR/SAR.4/05.08.2019/3P/9C