



WEB COPY

Crl.M.P.(MD) No.



22

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

Tuesday, the Twenty First day of March Two Thousand and
Twenty Three

PRESENT

The Hon`ble Mr.Justice R.SURESH KUMAR
and

The Hon`ble Mr.Justice K.K. RAMAKRISHNAN
Crl.M.P.(MD) No. 14121 of 2022
in Crl.A.(MD) No.779 of 2022

SATHAM HUSSAIN

... PETITIONER/APPELLANT/ACCUSED NO.2
Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
KEELAKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
CRIME NO.9 OF 2019.

... RESPONDENT/RESPONDENT/COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed on the Petitioner/Appellant/Accused No.2 in SC.No.8 of 2020 dt.14.9.2022 on the file of the Principal Sessions Judge, Ramanathapuram and enlarge the Petitioner on bail till the disposal of the appeal.

PRAYER IN Crl.A.(MD) No.779 of 2022:

To call for the records relating to the judgment in S.C.No.8 of 2020 dated 14.09.2022 on the file of the learned Principal Sessions Judge, Ramanathapuram and set aside the same and acquit the appellant/accused No.2 from the charges leveled against him.

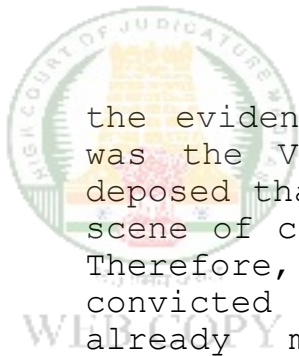
Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VENKATESWARAN R, Advocate for the petitioner and of M/S.E.ANTONY SAHAYA PRABAHAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by R.SURESH KUMAR,J.)

The petitioner /A2, who was convicted for offences under Section 341 r/w 34 and 302 r/w 34 IPC and sentenced to undergo one month simple imprisonment for offence under Section 341 r/w 34 IPC and to undergo life imprisonment and to pay fine of Rs.10,000/-, in default to undergo simple imprisonment for six months for offence under Section 302 r/w 34 IPC, by judgment and order dated 14.09.2022 passed in S.C.No.8 of 2020 on the file of the Principal Sessions Judge, Ramanathapuram, has filed the above criminal appeal. Pending appeal, the present petition has been filed to suspend the sentence and to enlarge the petitioner on bail.

<https://www.mhc.tn.gov.in/judis>

2. There were three accused in the case. Insofar as A1 is concerned, since he died already, against whom, the proceedings got abated. The remaining two accused, namely, A2 and A3 against whom,



the evidence recorded on behalf of the prosecution was P. 10 was the Village Administrative Officer and who is said to have deposed that P.W.2 stated that he only saw A2 and A3 standing in the scene of crime and A1 was having a bloodstained knife in his hands. Therefore, based on his evidence, the trial Court seems to have convicted A2 and A3 also. Insofar as A3 is concerned, he has already moved a petition for suspension of sentence in Crl.M.P.No.12674/2022 in Crl.A.No.647/2022.

3. The said petition having been considered was ordered by a coordinate Bench of this Court by order dated 02.12.2022, where the Division Bench has expressed its view that by taking into account all the facts and circumstances and also the fact that there are no bad antecedents against the petitioner therein, he was enlarged on bail and the same fact also is available against this petitioner, who stood as A2, as there was no bad antecedents against him and he has also paid fine amount, the circumstances, which warranted for suspending the sentence, since be available in respect of this petitioner, who is A2, we are inclined to entertain this petition.

4. In view of the above, this Court is inclined to suspend the sentence imposed by the Court below in S.C.No.8 of 2020 dated 14.09.2022 subject to the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.25,000/-, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Judicial Magistrate, No.I, Ramanathapuram.
- (ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- (iii) The petitioner shall appear before the concerned Court once in fortnight at 10.30 a.m., until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

sd/-

21/03/2023

/ TRUE COPY /

23/03/2023

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

RR

<https://www.mhc.tn.gov.in/judis>



TO

1.THE JUDICIAL MAGISTRATE, NO.I, RAMANATHAPURAM.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3.THE PRINCIPAL SESSIONS JUDGE, RAMANATHAPURAM.

4 THE SUPERINTENDENT,
CENTRAL PRISON ,MADURAI.

5 THE INSPECTOR OF POLICE
KEELAKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.R.VENKATESWARAN, Advocate (SR-4638[I] dated
21/03/2023)

ORDER

IN

Crl.M.P.(MD) No. 14121 of 2022
in

Crl.A.(MD) No.779 of 2022

Date :21/03/2023

RK/SBN/SAR-(23/03/2023) 3P/8C