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CRL OP No. 8097 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 8097 of 2026

Satham Hussain
S/o. Asan Mohamad,
Nadaraj Compound,
PRC.Campany Opp.
Susaiyapuram,
Tiruppur.

..Petitioner

Vs

State Rep.by, Inspector of Police,
Tiruppur North Police Station,
Tiruppur City.
Cr.No.712 of 2019.

..Respondent

To set aside the order in Crl.M.P.No.2 of 2026 in C.A.No.18 of 2026 dated 23.02.2026 passed by the learned II Additional District and Sessions Judge, Tiruppur and enlarge the petitioner on bail and allow this Criminal Original Petition.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.R. Rajasekaran,
Government Advocate (Criminal Side)

Order

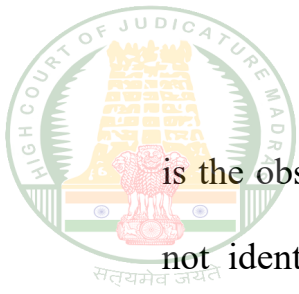
The petitioner/accused was convicted by the Trial Court in SC.No.164 of 2021 and sentenced to undergo 7 years rigorous imprisonment and also to pay a fine of Rs.5000/-. Aggrieved by the same, the petitioner had preferred an appeal before the Sessions Court in Criminal Appeal No.18 of 2026 and also filed



suspension of sentence petition in Crl.M.P.No.2 of 2026. The learned Sessions Judge, by order dated 23.02.2026, dismissed the petition on the ground that the petitioner is involved in two similar cases.

2. The case of the prosecution is that the petitioner, along with two juveniles, intercepted a two wheeler, threatened the defacto complainant with a knife, caused minor injuries and robbed a Samsung Mobile Phone worth Rs.5,000/- and Rs.600/- in cash from his pocket. Hence, the case was registered in Crime No.719 of 2019 and thereafter, on conclusion of investigation, a charge sheet has been filed in SC.No.164 of 2021. During trial, PW1 to PW8 were examined, Ex.P1 to Ex.P10 were marked and MO.1 to MO.5 were produced.

3. Learned counsel for the petitioner contended that on 11.07.2019 at 10.30 pm near Santhi Theatre Junction, when the defacto complainant was returning to his home after completing his work, three unknown persons came in the dark and threatened him with knife and took Samsung Phone value of Rs.5,000/- and Rs.600/- from his pocket. PW1/Defacto complainant admitted that he could not identify the assailants in the dark, except that one of them uttered the name “Sadham”. No identification parade was conducted. PW1’s evidence is that the petitioner appears to be one of the assailants, but he has not identified him conclusively. PW2, wife of PW1 is only a hearsay witness. PW3



is the observation mahazar witness. PW4, though projected as eye witness, has not identified the petitioner. PW5 is the Sub Inspector of Police, who had registered the FIR. PW6 is the Inspector of Police who conducted the investigation and filed final report. PW7 is the doctor who treated PW1 and PW8 is the subsequent investigating officer. The witnesses were examined in the year 2024, nearly five years after the alleged occurrence, and the attempt to identify the petitioner for the first time in such circumstances is impermissible. Thus, the identification of the petitioner is doubtful. He would also submit the trial court has not considered the same and the petitioner has got fair chance of succeed in the appeal.

4. The learned Government Advocate (Criminal Side) opposed the contention of the petitioner and submitted that in this case the petitioner, along with two juveniles, committed robbery, caused injuries, and the medical evidence corroborates the same. The accused were arrested and case properties were recovered. PW1 identified the petitioner in the dark. He further submitted that the petitioner has got two similar cases, which is pending in S.C.No.109 of 2021 and S.C.No.76 of 2025 and in both the cases, the petitioner is arrayed as A2.

5. Considering the submissions, it is seen that the petition was dismissed by the trial court primarily on the evidence of PW1. From the evidence of PW1,



it is seen that he has not conclusively identified the person, and no identification parade was conducted. The occurrence of 2019 was sought to be connected to the petitioner only in 2024, which renders the identification doubtful. As regards the two other cases, both are pending trial, and the petitioner has obtained bail therein.

6. In view of the above, this court is inclined to suspend the sentence till the disposal of Crl.A.No.18 of 2026 on the file of the lower appellate Court. Accordingly, the Substantive Sentence of Imprisonment imposed on the petitioner by learned Principal Assistant Sessions Judge, Tiruppur in S.C.No.164 of 2021 is suspended till the disposal of Crl.A.No.18 of 2026 on the file of the lower appellate Court and he is ordered to be enlarged on bail, on condition that he shall execute a bond for a sum of Rs.5,000/- (Rupees five thousand only) with two sureties, each for a likesum to the satisfaction of the lower appellate Court.

7. Further, the petitioner shall appear before the respondent police on alternate Mondays at 10.30 am till the disposal of Crl.A.No.18 of 2026, unless he is required to appear before the Trial Court.

8. In the result, this Criminal Original Petition is allowed and the impugned order dated 23.02.2026 in Crl.M.P.No.2 of 2026 in Crl.A.No.18 of



2025 passed by the learned II Additional District and Sessions Judge, Tiruppur,
is set aside.

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1.The Inspector of Police,
Tiruppur North Police Station,
Tiruppur City.

2.The Principal Assistant Sessions Judge,
Tiruppur

3.The II Additional District and Sessions Judge,
Tiruppur,



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M.NIRMAL KUMAR J.

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