

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

CRL. A. No. 2 of 2025

Thiyam (O) Ibemcha Devi

... Appellant

- Versus -

State of Manipur & Anr.

... Respondents

Clubbed with

MC(CRL.A.) No. 9 of 2025

B E F O R E

**HON'BLE THE CHIEF JUSTICE MR. K. SOMASHEKAR
HON'BLE MR. JUSTICE A. GUNESHWAR SHARMA**

O R D E R

[K. Somashekar, CJ]

28.07.2025

[1] Learned counsel for the appellant/applicant, Mrs. N. Elizabeth is present before this Court physically and similarly, learned Public Prosecutor for the State, Mr. RK Umakanta is present before this Court physically.

[2] The proceeding in MC(CRL.A.) No. 9 of 2025 has been filed under Section 389 (1) of the Criminal Procedure Code, 1973 and whereby seeking for suspension of judgment of conviction order of sentence rendered by the Ld. Trial Court in Special Trial Case No. 8 of 2016 dated 27.02.2018.

[3] Whereas, this application is seeking for suspension for intervention of the judgment of conviction order of sentence. But, the sentence has been held by the Ld. Trial Court based on the materials available on record inclusive of the exhibited documents and evidence which has been facilitated by the PW No. 1 to 14, exhibited documents and materials/objects. Despite of the evidences detailed

by the Ld. Trial Court, the learned counsel for the applicant is seeking for suspension of the judgement of conviction order of sentence whereby the applicant was convicted for offences under Section 302 of IPC, 1860.

[4] On the contrary, learned Public Prosecutor in this proceedings is submitting that the accused was facing for trial for the offences under Section 302 of IPC in Special Trial Case No. 8 of 2016. The materials have been examined and investigated under the provision of Section 161 and 162 of CrPC and thereafter, charge sheet was filed under Section 173 of CrPC. However, the accused was facing trial before the Ld. Trial Court whereby the PWs were examined, the documents were also exhibited and also the materials/objects i.e. pillow which was put on the face of the deceased for suffocation and strangulating the neck of the deceased.

[5] Subsequently, the dead body was sent for autopsy and the autopsy report reveals that the death was by the materials aforesaid used whereby the deceased was rendered by suffocation and strangulation by using the pillow.

[6] This submission which is made by the learned Public Prosecutor is taken on record, whereby the learned PP is submitting that the accused was convicted for the offence under Section 302 of IPC and therefore, the accused is not deserving for suspension of the judgment for conviction order of sentence. Only on this premises, the learned PP is seeking for dismissing the present application under Section 389 of Cr.P.C.

[7] On this backdrop of the submission of the learned counsel for the applicant/accused and whereby making an application under Section 389 of Cr.P.C., the learned counsel for the applicant/accused is submitting that during the course of the trial the applicant/accused did not file any bail application.

[8] Whereas, the Ld. Trial Court appreciated the evidence on record and more importantly appreciated the evidence of the prosecution and also the defence counsel whereby subjected to cross examination of witnesses. But, the materials of prosecution witnesses inclusive of cross examination of defence counsel reveals that the Trial Court has rendered judgment of conviction and order of sentence. But, this accused is involved for the offences under Section 302 of IPC and the same is reflected in the impugned judgment and order that the accused used pillow and also other material for suffocating and strangulating the neck of the deceased. The same is indicated in the impugned judgment and order. Therefore, there is no substance in the contentions made by the learned counsel for the applicant/accused in this proceeding for suspension of the judgment of conviction order of sentence and grant bail. Therefore, the application deserves to be dismissed.

[9] Accordingly, dismissed.

 The main case being CRL. A. No. 2 of 2025 would be listed on 26.08.2025.

JUDGE

CHIEF JUSTICE

Bipin