

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2017

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Crl.M.P. No.10166 of 2017
in
Crl. A. No.210 of 2017

Kennary Robert @ KIM

.. Petitioner/Appellant

Vs.

The by the Inspector of Police,
S-15 Selaiyur Police Station,
Chennai - 73

..Respondent/Respondent

PRAYER: Criminal Miscellaneous Petition under Section 389(1) of Cr.P.C.
suspension of sentence imposed in the judgment dated 13.03.2017 made
in S.C. No.229 of 2015 on the file of the Principal Sessions Judge,
Kancheepuram.

For appellant

: Mr.V.Arunagiri

For respondent

: Mr.J.Karuppiah

Additional Public Prosecutor

ORDER

(Made by S.MANIKUMAR, J.)

The petitioner/appellant has filed the present petition under Section 389(1) Cr.P.C. seeking suspension of sentence imposed on him by the Court below in the sessions case in S.C. No.229 of 2015 by its judgment, dated 13.03.2017.

2. The petitioner is the sole accused and he has been convicted for the offence under Section 302 and 379 IPC and sentenced to undergo life imprisonment for Section 302 IPC and three years rigorous imprisonment for Section 379 IPC and also to pay a fine of Rs.10,000/-, in default, to undergo rigorous imprisonment for three months.

3. Earlier, a Hon'ble Division Bench of this court, dismissed the the Crl.M.P. No.5107 of 2017, as follows:

"The accused was found guilty of committing the offence under Section 302 of the Indian Penal Code after a full fledged trial and he has been sentenced to undergo imprisonment for life for the said offence. For the conduct held established after a full fledged trial by the prosecution, we see no justifiable reason to take any compassionate view in the matter.

2. Accordingly, the above petition stands

dismissed."

4. Almost after two months, the instant criminal miscellaneous petition has been filed for suspension of sentence in Crl.M.P. No.10166/2017.

5. We have heard the submissions of Mr.V.Arunagiri, learned counsel for the petitioner/appellant and Mr.J.Karuppiah, learned Additional Public Prosecutor, representing the State. We have perused the materials available on record.

6. From the prosecution case and oral and documentary evidence, we could discern that the murder of Jarina Mariya, was premeditated and a preplanned one. Petitioner/appellant committed the murder of Jarina Mariya by giving her cool drinks mixed with Vodca and then strangled her with a nylon rope, at his sister's house on 04.04.2015 about 1.00 p.m and disposed the body, by throwing the same near Madambakkam Thenugambal Nagar first street canal. After committing the murder, he had also stolen about 10 sovereign of the jewels worn by the deceased. After a full-fledged trial, the trial court has convicted the

accused/appellant.

7. Earlier on 02.06.2017 a bail petition filed by the petitioner/accused was dismissed by a Hon'ble Division Bench. This is the second bail petition. There is no change of circumstances. Considering the facts and circumstances, we are not inclined to suspend the sentence, at this stage and the petition filed for suspension of sentence, is dismissed.

Accordingly, the criminal miscellaneous petition is dismissed.

(S.M.K., J)

(V.B.S., J)

23.08.2017

Index : Yes / No

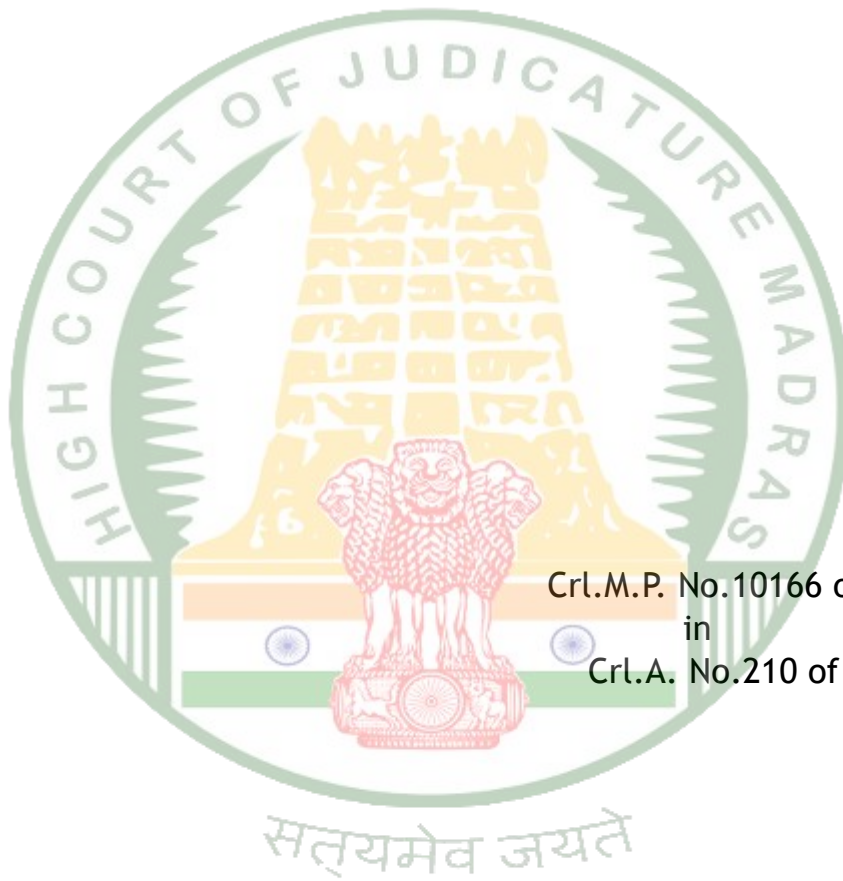
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S.MANIKUMAR, J.
and
V.BHAVANI SUBBAROYAN, J.

asr



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