

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of February Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

and

The Hon`ble Mr Justice V. SIVAGNANAM

CRIMINAL MISCELLANEOUS PETITION No.1046 of 2020

in CRL.A.NO.56 of 2020

BALAJI

[PETITIONER/APPELLANT/ACCUSED]

Vs

STATE BY DEPUTY SUPERINTENDENT OF POLICE [RESPONDENT/COMPLAINANT]
TIRUCHENGODE SUB- DIVISION,
TIRUCHENGOD RURAL POLICE STATION,
CRIME NO.420/2011.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to

(i) To Suspend the sentence imposed in the judgement dated 24.09.2019 made in S.C.No.107/2018 on the file of the Learned Principle Sessions Judge of Namakkal, and release the Petitioners on bail pending Crl.A.No.56/2020.

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.B.M.SUBASH, Advocate for the petitioner, and of MR.K.PRABAKAR, Additional Public Prosecutor, on behalf of the Respondent, the court made the following order:-

(Order of the Court was made by P.N.PRAKASH,J)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment dated 24.09.2019 passed in S.C.No.107 of 2018 on the file of the Principal Sessions Court, Namakkal and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner, who was an accused in S.C.No.107 of 2018 before the Principal Sessions Court, Namakkal, was convicted and sentenced as follows on 24.09.2019:

S.No.	Provision under which convicted	Sentence
1	Section 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo four years simple imprisonment.
2	Section 302 r/w 34 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo four years simple imprisonment.
3	Section 449 IPC	Ten years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo two years and six months simple imprisonment.
4	Section 457 IPC	Five years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo one year and three months simple imprisonment.
5	Section 392 r/w 397 IPC	Ten years rigorous imprisonment and fine of Rs.5,000/-, in default to undergo two years and six months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. It is the case of double murder for gain. It is the case of the prosecution that the petitioner smothered and also cut the deceased couple and relieved them of the ornaments.

4. The learned counsel for the petitioner submitted that there are no credible materials to connect the petitioner with the crime.

5. However, it is seen that after the arrest of the petitioner, the police had effected recoveries of the stolen ornaments, which has been marked as M.Os.1 to 6 viz., ornaments of the deceased couple.

6. Taking into consideration the grave nature of the offence committed by the petitioner, this is not a fit case to grant suspension of sentence and bail.

In fine, this criminal miscellaneous petition is dismissed. The Registry is directed to call for the records, prepare the typed set of papers and post the appeal in the usual course.

-sd/-

11/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE PRINCIPAL SESSIONS COURT,
NAMAKKAL.

2 THE SUPERINTENDENT OF PRISON,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE DEPUTY SUPERINTENDENT OF POLICE,
TIRUCHENGODE SUB- DIVISION,
TIRUCHENGOD RURAL POLICE STATION.

5 THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S. B.MOHAN Advocate on payment of necessary charges

Order

in
CRL MP.1046/2020
in
CRL A.56/2020

Date :11/02/2021

From 7.2.2001 the Registry is issuing certified
copies of the BAIL/Anti.BAIL Orders in this format

TA-01/03/2021

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