

Crl.M.P.No.1046 of 2020
in Crl.A.No.56 of 2020

P.N.PRAKASH , J.
and
V.SIVAGNANAM , J.

(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:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
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.

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
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.

(P.N.P.,J.) (V.S.G.,J.)
11.02.2021

nsd

To

- 1.The Principal Sessions Judge,
Namakkal .
- 2.The Superintendent of Prison,
Central Prison,
Coimbatore.
- 3.The Deputy Superintendent of Police,
Tiruchengode Sub-Division,
Tiruchengode Rural Police Station.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.

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