



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twentieth day of December Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

and

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL MISCELLANEOUS PETITION No.11093 of 2021

IN CRL.A.NO.235 of 2021

SARAVANAN

[PETITIONER/APPELLANT/ACCUSED]

Vs

1 THE STATE REP.BY

[RESPONDENT/COMPLAINANT]

THE INSPECTOR OF POLICE,
F4, THOUSAND LIGHT POLICE STATION,
CHENNAI.

(CR.NO.501 OF 2014)

2 LAKSHMI DEVI

[RESPONDENT/DEFACTO COMPLAINANT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL.A.NO.235 of 2021 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed vide judgment dated 17/04/2021 in SC No.105/2016 on the file of the Honorable Mahila Court, Chennai convicting the petitioner/Appellant/Accused under Section 341 I.P.C. and sentencing him to undergo simple imprisonment for one month and also convicting the petitioner/Appellant/Accused under section 307 Indian Penal Code, 1860 with Imprisonment for life and also to pay fine of Rs.5000 (Rupees Five thousand only), default to undergo one-month simple Imprisonment and be released the petitioner/Appellant/Accused on bail pending Criminal Appeal NO. 235 of 2021 IN CRL.MP.NO.11093/2021.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.NO.235 of 2021 on the file of the High Court and upon hearing the arguments of MR.G.KRISHNAMURTHY, Advocate for the Petitioner and of MR.R.MUNIYAPPARAJ Additional Public Prosecutor on behalf of the 1st Respondent the court made the following order:-



(Made by P.N.PRAKASH,J.)

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 17.04.2021 passed in S.C.No.105 of 2016 on the file of the Sessions Court, (Mahila Court), Chennai and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who was an accused in S.C.No.105 of 2016 before the Sessions Court, (Mahila Court), Chennai, was convicted and sentenced as follows on 17.04.2021:

S.No.	Provision under which convicted	Sentence
1	Section 341 IPC	One month simple imprisonment.
2	Section 307 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo three months simple imprisonment.

The aforesaid sentences were ordered to run concurrently.

3. Challenging the aforesaid conviction and sentences, the petitioner has filed Crl.A.No.235 of 2021 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Dr.G.Krishnamurthy, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the first respondent/State.

5. It is the case of the prosecution that the petitioner was in love with the victim girl, who was not responding to his overtures, angered by which, the petitioner is said to have attacked her on 25.05.2014 with a knife causing serious injuries. Providentially, the victim girl survived.

6. The learned counsel for the petitioner submitted the the victim girl has later turned hostile in the cross-examination.

7. At this juncture, pertinent it is to point out that the Supreme Court, in Sidhartha Vashisht @ Manu Sharma vs. State (NCT of Delhi)¹, has considered Kashmira Singh v. State of Punjab² and has held as follows:

1 (2008) 5 SCC 230

2 1977 SCC (Cri) 559



WEB COPY

"30. . . . In the above cases, it has been observed that once a person has been convicted, normally, an appellate court will proceed on the basis that such person is guilty. It is no doubt true that even thereafter, it is open to the appellate court to suspend the sentence in a given case by recording reasons. But it is well settled, as observed in Vijay Kumar [(2002) 9 SCC 364 : 2003 SCC (Cri) 1195 : JT 2002 Supp (1) SC 60] that in considering the prayer for bail in a case involving a serious offence like murder punishable under Section 302 IPC, the Court should consider all the relevant factors like the nature of accusation made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the desirability of releasing the accused on bail after he has been convicted for committing serious offence of murder, etc. It has also been observed in some of the cases that normal practice in such cases is not to suspend the sentence and it is only in exceptional cases that the benefit of suspension of sentence can be granted."

In view of the above reasoning and also taking into consideration the serious nature of the allegations against the petitioner, we are of the opinion that this is not a fit case to grant suspension of sentence and bail to the petitioner and accordingly, this criminal miscellaneous petition stands dismissed.

-sd/-

20/12/2021

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

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE SESSIONS JUDGE,
MAHILA COURT, CHENNAI.

2 THE INSPECTOR OF POLICE,
F-4, THOUSAND LIGHT POLICE STATION,
CHENNAI-600 006



3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

C.C. to M/S.G.KRISHNAMURTHY Advocate on payment of necessary
charges

Order
in
CRL MP.11093/2021
in
CRL.A.235/2021

Date :20/12/2021

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

CSK 23/12/2021