



Crl.M.P.No.7683 of 2022
in Crl.A.No.571 of 2022

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S.VAIDYANATHAN, J.
and
A.D.JAGADISH CHANDIRA, J.

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 31.03.2021 passed in S.C.No.02 of 2018 on the file of the Additional District and Sessions Court, (Fast Track Mahila Court), Tiruvarur and to enlarge the petitioner on bail pending disposal of the above appeal.

2. The petitioner, who was an accused in S.C.No.02 of 2018 before the Additional District and Sessions Court, (Fast Track Mahila Court), Tiruvarur, was convicted and sentenced as follows on 31.03.2021:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 302 IPC	Life imprisonment and fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment.
2	Section 201 r/w 302 IPC	Five years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo four months rigorous imprisonment.
The aforesaid sentences were ordered to run concurrently.		



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3. Challenging the aforesaid conviction and sentences, the petitioner has filed Crl.A.No.571 of 2022 along with the instant miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.M.Saravanakumar, learned counsel for the petitioner and Mr.M.Babu Muthumeeran, learned Additional Public Prosecutor appearing for the respondent/State.

5. It is the case of the prosecution that suspecting the fidelity of his deceased wife Muneeswari, the petitioner is said to have murdered her by strangulating her with a nylon rope and thereafter, caused several grave and lacerated injuries on her body using a knife. Due to uncontrolled grudge over Muneeswari, even after she died, the petitioner severed her head and hands from the torso by using an axe and put them in a plastic bucket with an intention to dispose of the body.

6. The learned counsel for the petitioner would submit that it is the case of circumstantial evidence and the prosecution has failed to prove each and every circumstances and thereby, prayed for suspension of sentence.



is the case, where, the deceased was done to death in a very gruesome manner. He would further submit that after death, head and hands of the deceased have been severed from the torso. It is his further submission that the prosecution has proved the case beyond reasonable doubts and thereby, the trial Court has found the petitioner “guilty” and convicted and sentenced him as above. He would further submit that he is ready to get along with the final hearing of the appeal.

8. 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 Punjab**² and has held as follows:

“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

¹ (2008) 5 SCC 230

<https://www.mhc.tn.gov.in/judis>

² 1977 SCC (Cri) 559



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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 facts and circumstances and serious nature of the allegations against the petitioner, this Court is not inclined to grant suspension of sentence and bail to the petitioner for the present and accordingly, this criminal miscellaneous petition stands dismissed. The Registry is directed to prepare the typed set of papers and post the appeal for final hearing immediately after the same is made ready.

(S.V.N., J.) (A.D.J.C., J.)
19.07.2022

nsd



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