



Crl.M.P.No.17032 of 2022
in Crl.A.No.504 of 2022

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P.N.PRAKASH, J.

and

RMT.TEEKAA RAMAN, J.

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

The petitioner, who was the second accused in S.C.No.64 of 2019 before the Sessions Mahila Court, Perambalur, was convicted and sentenced as follows on 28.10.2021:

<i>S.No.</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
1	Section 114 r/w 302 IPC	Life imprisonment and fine of Rs.5,000/-, in default to undergo two years rigorous imprisonment.
2	Section 341 IPC	One month imprisonment and fine of Rs.500/-, in default to undergo one week simple imprisonment.
3	Section 114 r/w 354 IPC	One year imprisonment and fine of Rs.1,000/-, in default to undergo two months simple imprisonment.
4	Section 114 r/w 506(I) IPC	Two years imprisonment and fine of Rs.1,000/-, in default to undergo two months simple imprisonment.
5	Section 114 r/w 4(A)1 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998	Life imprisonment and fine of Rs.50,000/-, in default to undergo one year simple imprisonment.
The aforesaid sentences were ordered to run concurrently.		

2. Challenging the above conviction and sentences, the petitioner



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has filed Crl.A.No.504 of 2022 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail, pending disposal of the above appeal.

3. It is the case of the prosecution that the deceased Kamarunisha was working as a Teacher; the accused used to drink in a tasmac shop everyday and watch Kamarunisha going in her moped bike to school; Ananth (A1) developed one side love for Kamarunisha and when she did not respond to his overtures, it is alleged that both the accused had intercepted her on 14.08.2018 around 9.15 a.m. and Ananth (A1) is said to have attacked her resulting in her death.

4. At this juncture, pertinent it is to point out that the Supreme Court, in **Sidhartha Vashisht @ Manu Sharma vs. State (NCT of Delhi)**², has considered **Kashmira Singh v. State of Punjab**³ and has held as follows:

“30. In the above cases, it has been observed that

² (2008) 5 SCC 230

³ 1977 SCC (Cri) 559



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

(P.N.P.,J.) (TKRJ)
02.12.2022

nsd

P.N.PRAKASH,J.



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and
RMT.TEEKAA RAMAN,J.
nsd

To

- 1.The Sessions Judge,
Sessions Mahila Court, Perambalur.
- 2.The Superintendent of Prison,
Central Prison, Tiruchirapalli.
- 3.The Inspector of Police,
Kunnam Police Station,
Perambalur District.
- 4.The Public Prosecutor,
Madras High Court,
Chennai – 600 104.

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