



Crl.M.P.No.16335 of 2022
in Crl.A.No.851 of 2019

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P.N.PRAKASH, J.

and

G.CHANDRASEKHARAN, J.

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

The petitioners, who were the accused in S.C.No.226 of 2018 before the Additional District and Sessions Court, (Fast Track Court), Vellore District, were convicted and sentenced as follows on 04.11.2019:

<i>Accused</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
Arumugam(A1)	Section 302 r/w 34 IPC, each	Life imprisonment and pay a fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment, each.
Priya (A2)	Section 201 r/w 34 IPC, each	Seven years rigorous imprisonment and fine of Rs.1,000/-, in default to undergo six months rigorous imprisonment, each.
The aforesaid sentences were ordered to run concurrently.		

2. Challenging the above conviction and sentences, the petitioners have filed Crl.A.No.851 of 2019 along with the instant criminal miscellaneous petition seeking suspension of sentence and bail, pending disposal of the above appeal.



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3. Heard Mr.N.Sudharsan, learned counsel for the petitioners and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

4. This is the fifth petition seeking suspension of sentence and bail and the earlier four petitions were dismissed as withdrawn.

5. In this case, the first petitioner has murdered his mother for certain properties along with his wife, who is the second petitioner herein. It is seen that earlier the first petitioner had allegedly murdered his father, of course, in which case, he had been acquitted. Apart from these two cases, the learned Additional Public Prosecutor submitted that there is another murder case against the petitioner in Katpadi Police Station Crime No.12 of 2018, in which, he is facing trial.

6. At this juncture, pertinent it is to point out that the Supreme Court, in **Sidhartha Vashisht @ Manu Sharma vs. State (NCT of Delhi)**²,

² (2008) 5 SCC 230



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has considered **Kashmira Singh v. State of Punjab**³ 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 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.”

³ 1977 SCC (Cri) 559



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7. In view of the above reasoning and taking into consideration the antecedents of the petitioners and the serious nature of allegations against them, we of the view that this is not a fit case to grant suspension of sentence and bail to the petitioners.

Accordingly, this criminal miscellaneous petition stands dismissed. Since the paper book is ready, the Registry is directed to post the main appeal for final disposal on 07.12.2022.

J.)

(P.N.P.,J.) (G.C.S.,
22.11.2022

nsd



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To

- 1.The Additional District and Sessions Judge,
(Fast Track Court), Vellore District.
- 2.The Superintendent of Prison,
Central Prison, Vellore.
- 3.The Superintendent of Prison,
Special Prison for Women, Vellore.
- 4.The Inspector of Police,
Katpadi Police Station,
Vellore District.
- 5.The Public Prosecutor,
Madras High Court.



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22.11.2022