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Crl.M.P.No.5757 of 2023
in Crl.A.No.580 of 2022

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S.S. SUNDAR, J.
and
SUNDER MOHAN, J.

[Order of the Court was made by **S.S. SUNDAR, J.**]

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/accused by the III Additional District and Sessions Judge, Erode at Gobichettipalayam, in S.C.No.64 of 2020, by judgment, dated 26.04.2021, and to enlarge the petitioner/accused on bail pending disposal of the above Criminal Appeal.

2.This is a case where the petitioner/accused is convicted for murdering two persons, who are his co-workers. It is the case of the prosecution that the accused and the deceased were staying in the same place/unit; that there were disputes between the accused and the deceased with regard to cleaning of vessels, cooking and extracting work during rest hours; that the *de facto* complainant used to compromise them; that the deceased were in the habit of taking alcohol and compelled the



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accused to consume liquor; that therefore, there was previous enmity between the deceased and the accused; that, on 05.01.2020 at 9.00 p.m., while the accused and the deceased were in their unit, the deceased consumed liquor and compelled the accused to consume liquor; that a wordy quarrel ensued, hearing which the *de facto* complainant came over there and compromised them and returned back; however, the accused, due to previous enmity, planned to use the opportunity to kill the deceased; that the accused assaulted both the deceased persons using iron pipe and caused several injuries on head and other parts of the body, as a result of which, both the deceased died on the spot; that the accused hid the bodies of the deceased under bundles of waste cloth. Hence, the case.

3.The case was tried by the learned III Additional District and Sessions Judge, Erode at Gobichettipalayam, in S.C.No.64 of 2020, and ultimately, the petitioner/accused was convicted and sentenced as follows :

<i>Conviction</i>	<i>Sentence</i>
Section 302 IPC (2 counts)	Life imprisonment (2 counts) and to pay a fine of Rs.1,000/- for each count,



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	in default, to undergo one year simple imprisonment for each count
Section 201 IPC	Rigorous imprisonment for seven years and to pay a fine of Rs.1,000/-, in default, to undergo one year simple imprisonment.
The sentences were ordered to run concurrently	

4.Challenging the above conviction and sentence, the petitioner/accused has filed the above Criminal Appeal and he is seeking suspension of sentence and bail in the present miscellaneous petition.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

6.Though at this stage, we are not inclined to go into the evidence, we are *prima facie* satisfied that the conviction is based on the evidence of witnesses who have last seen and on substantial evidence. Based on confession, the murder weapon was discovered. Hence, this Court is unable to find that the petitioner has fair chance to succeed in the appeal. Having regard to the nature of offence and the manner in which the crime was committed, as found from the reading of the judgment, this Court is



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not inclined to suspend the sentence imposed on the petitioner.

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Therefore, this Criminal Miscellaneous Petition is dismissed.

(S.S.S.R., J.) (S.M., J.)
23.11.2023

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