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Crl.M.P.No.13685 of 2023
in Crl.A.No.1145 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/A1 by the Principal District and Sessions Judge, Tiruvannamalai, in S.C.No.106 of 2014, by judgment, dated 12.07.2022, and to enlarge the petitioner/A1 on bail pending disposal of the above Criminal Appeal.

2.It is the case of the prosecution that the elder son of *de facto* complainant (P.W.1) was found missing from 20.10.2011; that P.W.1 was informed by the School that the School was closed at 1.00 p.m.; that P.W.1 and his wife searched their son and finally, lodged a complaint on 22.10.2011; that prior to the complaint, they received two phone calls demanding a ransom; that P.W.1 lodged a police complaint and that the police arrested one Subash and Pasupathy on 11.11.2011 and one Santhi, the petitioner herein, on 16.11.2011; that the body of the deceased was



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exhumed from the house of A1; that the mother of the deceased identified the deceased and a case was registered against the accused persons.

3. Admittedly, A2 is a minor and therefore, the case against A2 was separately dealt with by Juvenile Justice Board. The case against A1/petitioner, A3 and A4 was tried by the learned Principal District and Sessions Judge, Tiruvannamalai, in S.C.No.106 of 2014, and ultimately, A3 and A4 were acquitted of all the charges, whereas, the petitioner/A1 was convicted and sentenced as follows :

<i>Conviction</i>	<i>Sentence</i>
Section 302 IPC	Life imprisonment and to pay a fine of Rs.25,000/-, in default, to undergo one year simple imprisonment for three months
Section 201 IPC	Rigorous imprisonment for seven years and to pay a fine of Rs.10,000/-, in default, to undergo two months simple imprisonment.
The sentences were ordered to run concurrently	

4. Challenging the above conviction and sentence, the petitioner/A1 has filed the above Criminal Appeal and she is seeking suspension of sentence and bail in the present miscellaneous petition.



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

6.Learned counsel for the petitioner raised several points by referring to the evidence of P.W.1 and other discrepancies. However, the fact that the body of the deceased was recovered on the information furnished by A1, is relevant. The learned counsel for the petitioner is unable to give any explanation or point out serious irregularities in the evidence regarding the recovery of body. Having regard to the nature of evidence and the findings of the trial Court, this Court is unable to find a *prima facie* case in favour of the petitioner/A1. It is now admitted that the State has filed an Appeal as against the acquittal of A3 and A4. It is seen that the deceased was buried after a gruesome murder and that the head of the deceased was severed. Having regard to the nature of crime, the manner in which it is stated to have been committed, and the findings of the trial Court, this Court is unable to exercise its discretion for suspending the sentence imposed against the petitioner/A1.



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7. Therefore, this Criminal Miscellaneous Petition is dismissed.

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

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