



Crl.M.P.No.19675 of 2022
in Crl.A.No.297 of 2022

P.N.PRAKASH, J.

AND

N.ANAND VENKATESH, J.

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

This petition has been filed seeking to suspend the sentence imposed on the petitioner by judgment and order dated 29.12.2021 passed in S.C.No.117 of 2015 on the file of the Sessions Court, Mahalir Neethimandram, Chennai and to enlarge her on bail pending disposal of the above appeal.

2. The petitioner, who was an accused in S.C.No.117 of 2015 before the Sessions Court, Mahalir Neethimandram, Chennai, was convicted for the offence under Section 302 IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.10,000/-, in default to undergo six months simple imprisonment.

3. Challenging the above conviction and sentence, the petitioner has filed the present appeal along with the instant criminal miscellaneous petition seeking suspension of sentence and bail.

4. Heard Mr.K.V.Anantha Narayanan, learned Senior Counsel



representing Mr.H.Manivannan, learned counsel on record for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the respondent/State.

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5. On perusal of the trial Court judgment, we find that the petitioner had poured hot oil on the deceased Shanin (daughter-in-law of the petitioner), while she was sleeping and thereafter, had bolted the door from outside and had escaped.

6. The learned Senior Counsel appearing for the petitioner submitted that the petitioner had in fact gone to the police station complaining that her daughter-in-law Shahin attempted to pour hot water on her. He further submitted that the petitioner had also suffered some boils on her right hand and the same was caused, as Shahin attempted to pour hot water on her.

7. However, in this case, the dying declaration of Shahin to the Magistrate clearly states that while Shahin was sleeping in the afternoon, she was woken up by a hot substance falling on her, which, she thought it to be



water or oil and however, when she got out from bed, the floor was slippery.

She also stated that the door was locked from outside, on account of which, she hollered and was rescued by Soukat Ali (PW3).

8. In such view of the matter, the points raised by the learned Senior Counsel cannot be considered for grant of suspension of sentence and bail to the petitioner.

9. At this juncture, it may be relevant to refer to the judgment of the Supreme Court in ***Sidhartha Vashisht @ Manu Sharma vs. State (NCT of Delhi)***¹, wherein, it has been held as follows by considering the judgment in ***Kashmira Singh v. State of Punjab***²:

“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

1 (2008) 5 SCC 230

2 1977 SCC (Cri) 559



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.”

10. In view of the above reasoning and also taking into consideration the facts and circumstances of the case, we are of the opinion 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.] [N.A.V., J.]
04.01.2023

nsd



To

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1. The Sessions Judge,
Mahalir Neethimandram, Chennai.
2. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
R-1, Mambalam Police Station,
T.Nagar, Chennai - 600 017.
4. The Public Prosecutor,
Madras High Court.



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