



WEB COPY



Crl.MP.No.1087/2024 in Crl.A.No.418/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.No.1087/2024 in Crl.A.No.418/2023

1.Manoharan

2.Sumathi

.. Petitioners

Versus

The State Represented by
The Inspector of Police,
Paramathy Police Station,
Namakkal.

[Crime No.357 of 2016]

.. Respondent

Prayer:-Civil Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend of the sentence made in Judgment in S.C.No.118 of 2018 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal dated 07.10.2022 and to enlarge the petitioner on bail pending disposal of the criminal appeal.



Crl.MP.No.1087/2024 in CrI.A.No.418/2023

For Petitioner : Mr.N.Arun Kumar

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed on the petitioner vide judgement and order dated 07.10.2022 passed in S.C.No.118 of 2018 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal, dated 07.10.2022 and enlarge the petitioner on bail pending disposal of the criminal appeal.

2. The petitioners are A1 and A2 in SC. No.118 of 2018 on the file of the learned Sessions (Fast Track Mahila) Judge, Namakkal. The respondent Police prosecuted A1 under Section 364, 302 and 302 r/w 201 IPC and A2 under Section 364, 302 r/w 34 and 302 r/w 201 IPC. After trial, the Trial Court found guilty and convicted and sentenced A1 Manoharan to undergo ten years rigorous imprisonment and imposed a fine of Rs.5,000/-.



Crl.MP.No.1087/2024 in CrI.A.No.418/2023

WEB COPY

In default to undergo six months simple imprisonment for the offence under Section 364 of IPC and sentenced to undergo Life Imprisonment and imposed a fine of Rs.10,000/- in default to undergo six months simple imprisonment for the offence under Section 302 of IPC and sentenced to undergo seven years rigorous imprisonment and imposed a fine of Rs.5,000/- in default to undergo six months simple imprisonment under Section 302 r/w 201 IPC. A2 Sumathi is convicted and sentenced to undergo ten years rigorous imprisonment and imposed a fine of Rs.5,000/- in default to undergo six months simple imprisonment for the offence under Section 364 IPC and sentenced to undergo Life Imprisonment and imposed a fine of Rs.10,000/- in default to undergo six months simple imprisonment for the offence under Section 302 r/w 34 of IPC and sentenced to undergo seven years rigorous imprisonment and imposed a fine of Rs.5,000/- in default to undergo six months simple imprisonment under Section 302 r/w 201 IPC under Section 235(2) Cr.P.C.

3. Aggrieved by this, the petitioners accused filed an appeal. Pending appeal filed this miscellaneous application to suspend the sentence.



Crl.MP.No.1087/2024 in CrI.A.No.418/2023

WEB COPY

4. Heard the learned Counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor.

5. Perusal of P.W.3 evidence reveals that he is the person, who has stated about the seen of occurrence in a cogent manner. Though there is no eyewitness, the circumstantial evidences are elaborated before the Trial Court, which led to an order of conviction.

6. Since the petitioners have not made out any *prima facie* case for suspending the sentence, the present Miscellaneous Petition stands **dismissed**. The other grounds raised may be considered in the appeal.

[S.M.S., J.] [V.S.G., J.]
12.08.2024

veda

Internet: Yes

Note: Registry is directed to list the main criminal appeal for final hearing after two weeks.



Crl.MP.No.1087/2024 in CrI.A.No.418/2023

To

1. The Inspector of Police,
Paramathy Police Station,
Namakkal.

2. The Sessions (Fast Track Mahila) Judge, Namakkal.

3. The Central Prison,
Coimbatore.

4. The Special Prison for Women,
Coimbatore.

5. The Additional Public Prosecutor,
Madras High Court,
Chennai – 600 104.



WEB COPY



Crl.MP.No.1087/2024 in Crl.A.No.418/2023

S.M.SUBRAMANIAM, J.
and
V.SIVAGNANAM, J.

veda

Crl.MP.No.1087/2024 in Crl.A.No.418/2023

12.08.2024