



CrL.MP.No.18910/2023 in CrL.A.No.1422/2023

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.18910/2023 in CrL.A.No.1422/2023

Suresh

.. Petitioner

Versus

State by:-

Inspector of Police,
Krishnagiri Police Station,
Cr.No.771/2018 of Krishnagiri P.S.,
Krishnagiri.

.. Respondent

Prayer:-Civil Miscellaneous Petition filed under Section 389[1] of Cr.P.C., to suspend of the sentence imposed by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri in S.C.No.112 of 2021 by the Judgment dated 17.10.2023 and also to enlarge the petitioner/appellant on bail pending disposal of the above criminal appeal.



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For Petitioner : M/s.S.M.Muralidharan
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 17.10.2023 passed in S.C.No.112 of 2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri and to enlarge the petitioner on bail pending disposal of the appeal.

2. The petitioner is an accused in SC. No.112 of 2021 on the file of the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri. The respondent Police prosecuted the petitioner for the offence under Section 302 of IPC. After trial, the Trial Court found him guilty and sentenced to undergo imprisonment for life and also imposed a fine of Rs.1,000/- and in default to undergo one year simple imprisonment.



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

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

5. The present petition seeking suspension of sentence is considered with reference to the *prima facie* case. We have gone through the evidence of P.W.1 the daughter of the deceased and P.W.2 the Son-in-Law of the deceased. Both the eyewitnesses speak cogently and narrated the seen of occurrence.

6. Therefore, we are not convinced with the grounds raised by the petitioner seeking suspension of sentence. The other grounds are to be adjudicated during final hearing of the main criminal appeal.



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7. Since the petitioner has not made out any *prima facie* case for suspending the sentence, the present Miscellaneous Petition stands **dismissed**.

[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.*

To

1. Inspector of Police,
Krishnagiri Police Station,
Cr.No.771/2018 of Krishnagiri P.S.,
Krishnagiri.

2. The Sessions Judge, Fast Track Mahila Court, Krishnagiri

3. The Central Prison,
Vellore.

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



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S.M.SUBRAMANIAM, J.

and

V.SIVAGNANAM, J.

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