

Crl.M.P. Nos. 2570 & 2571 of 2016

in

Crl.A. Nos. 512 & 600 of 2015

M. JAICHANDREN,J.

AND

S. NAGAMUTHU,J.

(Order of the Court was made by **S. NAGAMUTHU,J.**)

The appellants in the above appeals are accused Nos. 1 to 4 in S.C. No. 89 of 2014 on the file of the learned I Additional District and Sessions Court, Erode Division, Erode. The conviction and sentence imposed on the appellants are as hereunder:

<i>S.No.</i>	<i>Accused</i>	<i>Section of offence</i>	<i>Sentence imposed</i>
1.	A1 (Petitioner in Crl.M.P. No. 2570 of 2016)	(i)147 I.P.C. (ii)148 I.P.C. (iii)120(B) I.P.C. (iv)302 I.P.C. (v)307 I.P.C.	Rigorous imprisonment for 2 years. Rigorous imprisonment for 3 years. Rigorous imprisonment for 10 years. Imprisonment for life, to pay a fine of Rs.10,000/- and in default, to undergo rigorous imprisonment for 5 years. Imprisonment for 10 years, to pay a fine of Rs.5000/- and in default, to undergo rigorous imprisonment for 3 years.

<i>S.No.</i>	<i>Accused</i>	<i>Section of offence</i>	<i>Sentence imposed</i>
2.	A2 (Petitioner in Crl.M.P. No. 2571 of 2016), A3 & A4	(i) 147 I.P.C. (ii) 148 I.P.C. (iii) 120(B) I.P.C. (iv) 302 I.P.C.	Rigorous imprisonment for 2 years each Rigorous imprisonment for 3 years each Rigorous imprisonment for 10 years each Imprisonment for life, to pay a fine of Rs.10,000/- and in default, to undergo rigorous imprisonment for 5 years each.

Challenging the said conviction and sentence, the appellants are before this Court with the above appeals. Pending the appeals, A1 (1st appellant in Crl.A. No. 512/2015) and A2 (appellant in Crl.A. No. 600/2015) seek suspension of sentence in the above Crl.M.Ps.

2. We have heard the learned counsel for the petitioners, the learned Additional Public Prosecutor for the State and also perused the records carefully.

3. It is brought to our notice that earlier, this Court has granted bail to accused Nos. 3 to 5. Referring to the same, learned counsel for the petitioners would submit that except P.W.1, there is no other witness, in this case, to speak about the occurrence and there are several infirmities in his evidence.

4. We have perused the records. We find that P.W.1 is an injured eye-witness. Though there is no other witness to speak about the occurrence, on that score alone, at this stage, we cannot straightaway, reject the evidence of P.W.1. P.W.1, the injured eye-witness, has categorically stated about the overt acts of these accused.

5. In such view of the matter, we do not find it a fit case to suspend the sentence. Hence, the above Crl.M.Ps are dismissed.

nv

(M.J.,J.) (S.N.,J.)
28.03.2016

M. JAICHANDREN,J.

AND

S. NAGAMUTHU,J.

nv

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