

Crl.M.P.No.8302 of 2016 in
Crl.A.No.528 of 2016

S.NAGAMUTHU, J.
AND
V.BHARATHIDASAN, J.

[Order of the Court was made by **V.BHARATHIDASAN, J.,**]

The appellant is the sole accused in S.C.No.8 of 2015 on the file of the learned II Additional District and Sessions Judge, Salem. By judgment dated 30.03.2016, he has been convicted for offence under Section 302 of IPC and sentenced to undergo imprisonment for life and also to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for two years. Challenging the said conviction and sentence, the appellant is before this Court with this appeal. Pending appeal, he seeks suspension of sentence.

2. Heard the learned counsel for the petitioner/appellant and Mr.V.M.R.Rajentren, the learned Additional Public Prosecutor appearing for the State and we have also perused the records carefully.

3. The deceased and the accused are close friends. On the date of occurrence, both the deceased and the accused along with P.Ws.2 and 4 consumed liquor and they developed a quarrel. During quarrel, the accused pushed the deceased down and dropped a cement plastered brick on his head and thereby, caused his death. P.W.4 is the eyewitness to the occurrence, who along with accused had consumed liquor, hence, there is no reason to disbelieve the presence of P.W.4 at the scene of

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occurrence.

4. Prima facie, we are satisfied that this is not a fit case for grant of suspension of sentence. Hence, the petition is dismissed.

[S.N.J.,] [V.B.D.J.,]

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22.08.2016

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