



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.10538 of 2021

IN CRL A.479/2021

1 TAMIZH @ TAMIZHSELVAN

[APPELLANTS / A3, A5 AND A6]

2 SATHYA @ SATHYARAJ

3 CHITU @ PRAKASH

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,

J-2 ADYAR POLICE STATION (L & O),

CHENNAI-20.

(CRIME NO.97 OF 2013)

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.No.479/2021 on the file of the High Court, the High Court will be pleased to suspend the sentence imposed in S.C.No.309 of 2014 dated 07.09.2021 by the learned XVIII Addl.Sessions Judge, City Civil Court, Chennai by convicting the Appellants/A3,A5 and A6 under section 307 IPC and sentencing each of them to undergo 3 yrs Rigorous Imprisonment and shall pay a fine of Rs.1000/- in default to undergo 6 months Simple Imprisonment in CRL.A.No.479/2021(IN CRL.MP.NO.10538 of 2021).

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL.A.No.479/2021 on the file of the High Court and upon hearing the arguments of M/S.T.SHANMUGABOOPATHI, Advocate for the Petitioner and of MR.S.SUGENDRAN, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-

This petition has been filed seeking to suspend the sentence imposed on the petitioners by judgment dated 07.09.2021 passed in S.C.No.309 of 2014 by the learned XVIII Additional Sessions Judge, City Civil Court, Chennai.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent and also perused the materials available on record.



3.It is seen from the records that totally six accused were involved in the offence and the petitioners herein have been arrayed as A3, A5 and A6. Further, P.W.2 injured witness has clearly deposed that accused/A1 to A6 attacked him with hockey stick and knives and that he sustained injuries. The Doctor/P.W.13 has clearly deposed that the injuries sustained by the injured witness are grave in nature. The evidence of P.W.2/injured witness is corroborated with the evidence of P.W.13/Doctor and also corroborated with his statement recorded by the learned Magistrate under Section 32 of Indian Evidence Act, 1872.

4.Under these circumstances, this Court is of the view that there is a specific overtact attributed against the petitioners/A3, A5 and A6 and the prosecution has proved its case beyond all reasonable doubts. The trial Court, after considering the entire materials, found that the petitioners/A3, A5 and A6 committed the charged offence and rightly convicted and sentenced them. Hence, there is no ground made out to grant suspension of sentence to the petitioners herein.

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

-sd/-
21/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE XVIII ADDITIONAL SESSIONS JUDGE,
CITY CIVIL COURT, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
J-2 ADYAR POLICE STATION (L AND O),
CHENNAI-20.



+1C.C. to M/S.T.SHANMUGABOOPATHI Advocate on payment of
necessary charges SR.NO.11552

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Order
in
CRL MP.NO.10538/2021
in
CRL.A.No.479/2021
Date :21/10/2021

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CSK 22/10/2021