



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twentieth day of October Two Thousand Twenty One

WEB COPY

PRESENT

The Hon`ble Mr Justice P. VELMURUGAN

CRIMINAL MISCELLANEOUS PETITION No.10436 of 2021

IN CRL A.476 of 2021

VEDHAGIRI

[PETITIONER / APPELLANT / A2]

Vs

THE STATE REPBY

[RESPONDENT]

THE INSPECTOR OF POLICE,
J-2, ADYAR POLICE STATION(L AND O),
CHENNAI-20
CR. NO.97/2013

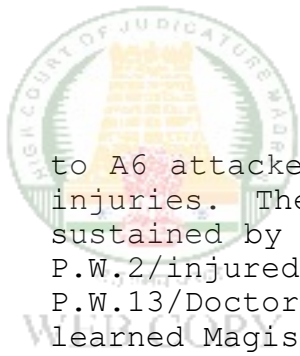
Petition praying that in the circumstances stated therein the High Court will be pleased to Suspend the sentence imposed in S.C. No.309 of 2014 dated 07/09/2021 by the learned XVIII Additional Sessions Judge, City Civil Court, Chennai by convicting the Appellant/A2 under Section 307 r/w 109 IPC and sentencing him to undergo three years Rigorous Imprisonment and shall pay a fine of Rs.1,000/- in default to undergo six months Simple Imprisonment and thus render justice.

Order: This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S. SHANMUGABOOPATHI, for M/S.S.VIJAYARAGHAVAN, 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 petitioner 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 petitioner 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 petitioner herein has been arrayed as A2. 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 petitioner/A2 and the prosecution has proved its case beyond all reasonable doubts. The trial Court, after considering the entire materials, found that the petitioner/A2 committed the charged offence and rightly convicted and sentenced him. Hence, there is no ground made out to grant suspension of sentence to the petitioner.

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

-sd/-
20/10/2021

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

TRUE COPY

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

TO

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

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.



COPY TO

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

C.C. to M/S.S.VIJAYARAGHAVAN Advocate on payment of necessary charges

Order

in
CRL MP.10436/2021

in
CRL A.476/2021

Date :20/10/2021

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INBA-21/10/2021