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Crl.M.P.No.2695 of 2022 in Crl.A.No.212 of 2022

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D.BHARATHA CHAKRAVARTHY, J.,

Today, when the matter came up for hearing, the learned counsel for the petitioner submitted that there is *prima-facie* case made out by the petitioner and the petitioner does not have any financial capability to repay the alleged amount and he was unnecessarily included in this case. He is not in a position to pay the fine amount imposed on him.

2. Per contra, the learned Government Advocate (Crl.Side) appears for the respondent/Police submitted that the petitioner seeks suspension of substantive sentence of imprisonment and also the fine amount imposed on him and since he is not willing to pay even a portion of the amount, no suspension of sentence can be granted, as the victim would suffer and she will be in precarious position.

3. I have considered the rival submissions made on either side and perused the materials available on record.

D.BHARATHA CHAKRAVARTHY, J.,



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4. Since the petitioner wants suspension of sentence and as he is not willing to pay even a minor portion of the fine amount imposed on him, I am not inclined to grant suspension of sentence to the petitioner.

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

11.07.2022
(½)

Index : yes/no
Speaking order/Non-speaking order
ssn

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