



WEB COPY



Crl.M.P.No.12348 of 2022
in Crl.A.No.208 of 2021

Crl.M.P.No.12348 of 2022

IN

Crl.A.No.208 of 2021

P.N.PRAKASH, J.

AND

RMT.TEEKAARAMAN, J.

(Made by P.N.PRAKASH, J.)

This is a third petition seeking suspension of sentence and bail by Viji @ Vijayakumar/A-1 and the earlier petition in Crl.M.P.No.11237 of 2021 has been dismissed by this Court on 22.11.2021, by a well considered order.

2. This is a case of retaliatory murder, in which, the brother of the accused was murdered by the deceased Lenin and as a retaliation, it is alleged that the accused barged into the house of the deceased, assaulted him and also assaulted P.W.2, who had sustained injuries.

3. The learned counsel for the petitioner submitted that P.W.2, in his cross-examination, has stated that he had seen the occurrence in moonlight. However, the learned counsel for the petitioner submitted that the date of occurrence was a new moon night and therefore, the possibility of P.W.2 seeing the occurrence, cannot be countenanced.



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4. In the opinion of this Court, P.W.2, being an injured witness, his evidence has to be appraised only during the final disposal of the appeal and not based on a stray statement in the cross-examination.

In such view of the matter, we find no merits in this petition and accordingly, this criminal miscellaneous petition stands dismissed.

[P.N.P., J.] [T K R, J.]
29.11.2022

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To

1.The II Additional District and Sessions Judge
Vellore @ Ranipet

2.The Superintendent of Prison
Central Prison
Vellore

3.The Inspector of Police
Thakkolam Police Station
Arakkonam Taluk
Ranipet District

4.The Public Prosecutor
Madras High Court
Chennai



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