



Crl.M.P.No.1211 of 2023 in Crl.A.No.1194 of 2022

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S.S.SUNDAR, J.

and

SUNDER MOHAN, J.

(Order of the Court was made by S.S.SUNDAR, J.)

The petitioner/A1, who stands convicted for the offence under Section 302 of IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.5000/-, in default to undergo 6 months simple imprisonment in S.C.No.6 of 2017 vide the judgment dated 24.08.2018 passed by the learned Sessions Judge, Karaikal, has filed the above appeal challenging the said conviction and sentence. Pending the same, the petitioner has filed the present petition seeking to suspend the sentence and enlarge him on bail.

2. The only contention raised by the learned counsel for the petitioner is that the sentence imposed against the second accused, who was also convicted for the same offence, has now been suspended and he has been enlarged on bail.

3. The learned Public Prosecutor (Puducherry), relying upon the counter affidavit, opposed the prayer for suspension of sentence on the ground that the petitioner/A1 is involved in eight previous cases.



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4. This Court, prima facie finding that the conviction is based on the evidence of few witnesses who have last seen the deceased with the petitioner/first accused coupled with the fact that the petitioner is involved in eight previous cases and that it is also admitted that the petitioner is a habitual offender and history sheeter, is not inclined to suspend the sentence imposed on the petitioner. Therefore, the criminal miscellaneous petition stands dismissed.

5. Registry is directed to post the main appeal in the usual course.

(S.S.S.R.,J.) (S.M.,J.)
21.11.2023

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