



Crl.M.P.No.4915 of 2023
in
Crl.R.C.No.648 of 2023

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V. SIVAGNANAM, J.

This petition has been filed to suspend the sentence imposed on the petitioner in C.C.No.218 of 2018 on the file of the Judicial Magistrate Court No.III, Puducherry dated 16.02.2022 which was confirmed by the first appeallate Court in C.A.No.10 of 2022 on the file of the Principal Sessions Court, Puducherry dated 26.08.2022.

2. The learned counsel for the petitioner submitted that the Courts below failed to consider the contradiction in the evidence of prosecution witnesses and the Medical Officer, who treated victim, has not been examined and without appreciating the prosecution evidence in a proper perspective, convicted the petitioner, which is unsustainable. He further submitted that there are arguable points in this revision and the petitioner has every chance to succeed in this revision and therefore, he prayed for suspension of sentence till the disposal of this revision.

3. The learned Government Advocate [Criminal Side] submitted that considering the serious nature of allegation against the petitioner, the trial Court



as well as the first appellate Court convicted and sentenced the accused and therefore, objected for suspension of sentence imposed on the petitioner.

4. Heard the learned counsel for the petitioner and the learned Government Advocate [Criminal Side] for the respondent and perused the entire materials available on record.

5. On a perusal of the judgment of the trial Court and the first appellate Court, it reveals that the accused came to the shop of the P.W.1 to purchase pineapple and as the P.W.1 has stated that he has no change for Rs.100/-, the petitioner/accused is said to have threatened and pour hot oil on the left arm of P.W.1. and caused grievous injury to P.W.1. Considering the serious nature of allegations levelled against the petitioner and the concurrent finding of the trial Court as well as the first appellate, this Court is not inclined to suspend the sentence imposed on the petitioner.

6. Accordingly, this Criminal Miscellaneous Petition is dismissed.

12.06.2023

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