



Crl.M.P.No.7144 of 2022

in

Crl.A.No.543 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.]

This petition has been filed to suspend the sentence imposed on the petitioner by the learned Sessions Judge, FTC Mahila Court, Krishnagiri in S.C.No.121/2018 dated 10.03.2022.

2. The case of the prosecution is that the deceased is none else than the brother's wife of the petitioner/A2, who along with his son (Juvenile/A1), due to previous enmity, murdered the deceased on 27.05.2017, by attacking her with lethal weapons like iron rod.

3. During trial, on behalf of prosecution, 32 witnesses were examined, apart from marking Exs.P1 to P24 and Material objects as M.O.1 to M.O.10.

4. The learned counsel appearing for the petitioner stated that the first accused is the son of the second accused and he was minor at the time of



occurrence and therefore, he was tried by the Juvenile Justice Board; that the Juvenile Justice Board has acquitted the first accused who caused the fatal blow.

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The learned counsel further submitted that the conviction is based on the evidence of interested witnesses. The learned counsel also pointed that some of the witnesses turned hostile and therefore, the prosecution failed to establish the case as against the petitioner beyond reasonable doubt.

5. The learned counsel further submitted that the prosecution has failed to establish motive as against the accused; that the accused is the brother in law of the deceased; that the deceased is a widow; that after the death of her husband, the deceased had to file a suit to get her property; that since the Suit itself was not defended, the learned counsel submitted that there cannot be a possible motive for the accused to commit the murder of the deceased.

6. This Court is unable to accept the argument. The very fact that the deceased had to file a Civil Suit and to get her share in the property as a sole legal heir of her husband indicate that there is a dispute with regard to sharing of the properties.



7. Further, this Court is convinced that the conviction is based on consideration of the entire case and on appreciation of the whole evidence.

This Court at this stage may not go into the factual analysis or appreciation of evidence. There is no material discrepancy in the evidence and the case of the prosecution is supported by the eye-witness (P.W.2) and corroborated by other evidence.

8. Considering the overall circumstances and the evidence adduced, this Court is unable to find a *prima facie* case having regard to the findings of the trial Court which is on the appreciation of evidence. Therefore, this Court is not inclined to suspend the sentence or to grant bail. Hence, Criminal Miscellaneous Petition is dismissed.

[S.S.S.R., J] [S.M., J]
23.11.2023

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Dated : 23.11.2023