



Crl.M.P.No.6682 of 2023 in Crl.A.No.1146 of 2022

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G.K.ILANTHIRAIYAN, J.

This Criminal Miscellaneous Petition has been filed seeking to suspend the sentence imposed on him in S.C.No.19 of 2018 dated 19.07.2022 on the file of the learned XXIII Additional Sessions Court, Allikulam, Chennai and release the petitioner on bail till the disposal of Criminal Appeal in Crl.A.No.1146 of 2022.

2. Mr.P.Pugalenthi, learned counsel for the petitioner would submit that the petitioner has been prosecuted by the respondent police in Crime No.1025 of 2009 on the file of the respondent police. He would further submit that the witness to the confession is not reliable as well as the identification of the accused by the complainant. The complainant has seen the accused in the police station before the identification parade and thereafter when the identification parade was conducted by the learned Judicial Magistrate, the complainant has identified the accused as she has



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seen him before the respondent police and this is the second petition seeking for suspension of sentence. Hence, he prayed to suspend the sentence.

3. Heard the learned counsel for the petitioner and I have perused the materials on record.

4. On a perusal of the records, the fact reveals that the petitioner is the 2nd accused in S.C.No.19 of 2018 on the file of the XXIII Additional Sessions Judge, Allikulam, Egmore, Chennai. The respondent police prosecuted this petitioner along with other accused persons for having committed the offences punishable under Sections 392 r/w.397, 506(ii) r/w.34 I.P.C. After the trial, the Trial Court on evaluating the evidence, found the petitioner guilty and imposed sentence as under:

Conviction under Section	Sentence
Section 392 r/w.397 I.P.C.	Rigorous Imprisonment for 10 years with a fine of Rs.5,000/-, in default, to undergo Simple Imprisonment for 6 months.
Section 506(ii) r/w.34 I.P.C	Rigorous Imprisonment for 2 years with a fine of Rs.2,000/-, in default, to undergo Simple Imprisonment for 3 months



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Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

5. On a perusal of the evidence and deposition on the prosecution side, it is noticed that the victim/complainant identified the accused person who robbed her house and when the respondent police conducted a general identification test before the Judicial Magistrate, prima facie the Trial Court found that the identification is recorded properly. Further it is noticed by the Court from the deposition of the victim/PW.1 Sulochana that the accused was already identified by the victim at the time of robbery and also there is no change of circumstances. Hence, this Court finds no merit in this Criminal Miscellaneous Petition and the same is liable to be dismissed. Accordingly, this Criminal Miscellaneous Petition is dismissed.

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