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**Crl.M.P. No.8607 of 2023
in Crl. A. No.662 of 2023**

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**S.S.SUNDAR, J.
and
SUNDER MOHAN, J.**

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

Seeking suspension of sentence imposed by the Sessions Judge, Mahila Court, Chennai vide judgment dated 14.10.2015 in S.C. No.436 of 2013, the petitioner/appellant has filed this petition.

2. By the aforesaid judgment, the petitioner/appellant was convicted and sentenced to undergo life imprisonment and to pay a fine of Rs.5,000/-, in default, to undergo six months simple imprisonment.

3. Learned counsel for the petitioner submits that the petitioner is a physically challenged person and due to sudden provocation, the petitioner committed the offence. He further submits that the petitioner is in incarceration from 14.10.2015 and prays for suspension of sentence.

4. Learned Additional Public Prosecutor appearing for the



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respondent submitted that the trial Court considered the evidence

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of eye witnesses and disbelieved the version of the petitioner that due to sudden provocation, he had committed the offence and convicted the petitioner. He further submitted that the accused with a clear intention to commit murder, brought the knife and cut the neck of the deceased. Therefore, he prays for dismissal of this petition.

5. From the examination of entire evidence, it is clear that the evidence of eye witnesses is corroborated by other evidence available. This Court finds no prima facie case to suspend the sentence. Hence this criminal miscellaneous petition is **dismissed**.

6. Registry is directed to prepare the typed set of papers and list the main Criminal Appeal for hearing in the first week of January, 2024.

(S.S.S.R.,J.) (S.M.,J.)
02.11.2023

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