



Crl.M.P.No.8754 of 2023
in Crl. A. No.674 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 to suspend the sentence imposed by the learned Sessions Judge, Mahila Court, Chengalpattu vide judgment dated 04.05.2023, the petitioner/sole accused has filed this petition.

2. It is the case of the prosecution that the deceased was working in the laboratory of the petitioner and on 18.02.2018, there was a wordy quarrel between the deceased and the petitioner regarding the wrong test report given by her; that the petitioner scolded the deceased, poured surgical spirit on her and set fire; that the deceased sustained burn injuries, admitted in the hospital for few days and succumbed to the injuries; that the case initially registered for the offence under Section 307 IPC was altered into one under Section 302 IPC. The trial Court, after examining 18 witnesses as P.Ws.1 to 18 and marking Exs.P1 to P18 and M.Os.1 to 5, found the petitioner guilty of the offence under Section 302 IPC, convicted him and sentenced him to undergo life imprisonment and



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to pay a fine of Rs.30,000/-, in default, to undergo one year simple imprisonment. Aggrieved by the order of conviction, the above appeal is filed by the petitioner/accused.

3. This Court finds that the conviction is based on the dying declaration of the deceased. In such circumstances, the submission of the learned counsel for the petitioner that there is no motive and that the trial Court has failed to appreciate the evidence in a proper manner cannot be considered in the petition for suspension of sentence. Hence this criminal miscellaneous petition is dismissed as the petitioner has not made out any prima facie case for suspension of sentence.

(S.S.S.R.,J.) (S.M.,J.)
18.12.2023

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