



WEB COPY



Crl.MP No.19316 of 2022 in
Crl.A.1281 of 2022

Crl.MP No.19316 of 2022 in
Crl.A.No.1281 of 2022

V.SIVAGNANAM, J.

This petition has been filed to suspend the sentence imposed on the petitioner by the Trial Court, vide judgement dated 03.10.2022, passed in S.C.No.70/2016.

2. The learned Sessions Judge, Fast Track Court, Darmapuri, vide judgment dated 03.10.2022 passed in S.C.No.70/2016, acquitted the petitioner from the offence under Section 506(2) IPC. However, convicted and sentenced the petitioner under Section 448, 392 r/w 397 IPC, as extracted here under.

Conviction under Section	Sentence
Sec.448 IPC	1 Year Simple imprisonment and to pay a fine of Rs.1,000/- in default, to undergo 1 month simple imprisonment
Sec.392 r/w 397 IPC	7 years Rigorous imprisonment and to pay a fine of Rs.5,000/- in default, to undergo 6 months simple imprisonment

The Trial Court ordered the above sentences to run concurrently. Challenging the above judgment of conviction, the petitioner is before this Court.

3. The learned counsel for the petitioner submitted that there are arguable



Crl.MP No.19316 of 2022 in
Crl.A.1281 of 2022

points in this Criminal appeal. He further submitted that, the petitioner is in judicial custody and hence, he prayed to suspend the sentence, pending disposal of the Criminal Appeal.

4. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the respondent.

5. A perusal of the records shows that the respondent police prosecuted the case against the petitioner in S.C.No.70/2016 before the Trial Court and the petitioner was charged for the offences punishable under Section 448, 506(2), 392 r/w 397 IPC. The Trial Court, vide judgment dated 03.10.2022, has convicted and sentenced the petitioner, as stated supra.

6. It is seen from the records that the PW2 namely Sasikala, daughter-in-law of the de-facto complainant, has clearly deposed in her evidence that, the petitioner/accused, entered into her house and asked her to give drinking water and when she tried to go into the house for taking water, the petitioner threatened her by putting knife on her neck and robbed the jewels and cash from bureau. Further, when the PW2 tried to get out from the house, the petitioner pushed her head on the wall



CrI.MP No.19316 of 2022 in
CrI.A.1281 of 2022

and assaulted her, thereby, she sustained grievous injuries on her head and face.

7. The Trial, Court after perusing the oral and documentary evidence, found the petitioner guilty under Section 448, 392r/w 397 IPC. Hence, considering the gravity of the offence, at this stage, this Court is not inclined to grant suspension of sentence.

8. Accordingly, this Criminal Original Petition is dismissed.

27.01.2023

(1/2)

mst



WEB COPY



Crl.MP No.19316 of 2022 in
Crl.A.1281 of 2022

V.SIVAGNANAM, J.,
mst

Crl.M.P.No.19316 of 2022 in
Crl.A.No.1281 of 2022

27.01.2023.
(1/2)