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Crl.O.P.No.25367 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.12.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25367 of 2023

I.Kanagaraj

... Petitioner

-VS-

The State represented by,
The Inspector of Police,
Kariya Koil Police Station,
Salem District.
Crime No.103 of 2020

...Respondent

PRAYER : Criminal Original Petition has been filed under Section 439 of Criminal Procedure Code, to call for the records relating to the order dated 04.10.2023 made CMP. No.2908 of 2023 in C.A. No.166 of 2023 on the file of the III Additional District and Sessions Judge, Salem and set aside the same and enlarge the petitioner on bail by allowing this Petition.

For Petitioner : Mr.S.P.Yuvaraj

For Respondent :Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

**ORDER**

The petitioner being convicted accused for offence under Section 307, 294 (b), 506 (ii) & 201 r/w 307 IPC vide Judgement dated 31.08.2023 had preferred an Appeal before the learned III Additional District and Sessions Judge, Salem and also sought for Suspension of Sentence. The lower appellate Court having considered the nature of the offence and the relationship between the deceased and the convicted accused had declined to entertain the petition for Suspension of Sentence vide order dated 04.10.2023. Aggrieved by that, the present Original Petition is filed.

2. The matter came up for consideration, at the time of admission, this Court sought certain particulars from the learned Government Advocate (Crl.Side) and the same been submitted.

3. This Court finds no reason to entertain the Suspension of Sentence. Hence, the order of the lower Appellate Court is upheld and this Criminal Original Petition is dismissed. If the appeal is not completed within three months, the petitioner shall revive this Petition.

11.12.2023

Internet : Yes/No
Index : Yes/No
rkp



To

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1. The III Additional District and Sessions Judge,
Salem.
2. The Inspector of Police,
Kariya Koil Police Station,
Salem District.
3. The Public Prosecutor,
Madras High Court,
Madras.



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Dr.G.JAYACHANDRAN,J.
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