



**Crl. M.P. No.17493 of 2023
in Crl. A. No.1241 of 2022**

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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 II Additional District and Sessions Judge, Tindivanam vide judgment dated 23.04.2022 in S.C. No.286 of 2014, the petitioner/A1 has filed this petition.

2. The case of the prosecution is that the petitioner was having four wheeler and affiliated the same in Fast Track Company for call taxi service; that on 22.08.2012 at about 05.00 p.m., the petitioner/A1 along with other accused persons A2, A3 and A4 started from Chennai in his four wheeler to attend a marriage function in Gingee; that on the same day at about 10.30 p.m., after attending marriage function, the accused had gone to Ammapettai Government liquor shop; that there was a wordy quarrel at the liquor shop between the accused and the defacto complainant, which led to the physical scuffle; that on the same day, in continuation of scuffle, accused persons left the place of occurrence with the intention to seek revenge; that the



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petitioner took his Indica car and hit the deceased intentionally to commit the crime; that the deceased suffered grievous injuries and died in the hospital; that after a case was registered for the offences under Sections 279, 337 and 304 A IPC on 23.08.2012 in Crime No.320 of 2012, the case was altered into one under Sections 307 and 302 IPC, after investigation. Before the trial Court, 38 witnesses were examined. The trial Court by judgement dated 23.04.2022 found the petitioner guilty and convicted him for the offence under Sections 302 and 307 IPC. Aggrieved by the order of conviction, the above appeal is filed by the petitioner/A1.

3. The conviction was based on evidence of injured eye witnesses and is corroborated by other evidence. Having regard to the fact that the conviction is based on evidence, this Court is unable to find any prima facie case at least to believe that the petitioner has a fair chance of success in the appeal. Considering the same, this court is not inclined to grant suspension of sentence. Accordingly, this criminal miscellaneous petition is dismissed.

(S.S.S.R.,J.) (S.M.,J.)
10.11.2023

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