



Crl.MP.No.1998 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Crl.MP.No.1998 of 2024
in Crl.A.No.160 of 2024

Sivaraj

...Petitioner / Appellant

Versus

The Inspector of Police,
Sirumugai Police Station
Annur, Coimbatore
(Crime No.256 of 2019)

.. Respondent

Prayer:-Criminal Miscellaneous Petition filed under Section 389[1] & [2] of Cr.P.C., pleased to suspend the sentence imposed by judgment in SC.No.118 of 2021 dated 22.08.2023 on the file of the learned Sessions Judge for Trial of Bomb Blast Cases, Coimbatore.

For Petitioner : Mr.A.Tamilarasan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J]

This criminal miscellaneous petition has been filed seeking to suspend the sentence imposed by judgment in SC.No.118 of 2021 dated 22.08.2023 on the file of the learned Sessions Judge for Trial of Bomb Blast Cases, Coimbatore.

2. We have gone through the evidences of PW1 and PW5, who are none other than the brothers of the deceased.

3. The petitioner/appellant is the son of the deceased, who had allegedly committed the offence.

4. The last seen theory, as per the evidence of PW1 and PW5 and the nature of the injuries as defined in the post-mortem report with the M.Os recovered would be sufficient to form an opinion that the petitioner/appellant



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has not made out prima facie case for grant of suspension of sentence.

5. Though, the learned counsel for the petitioner/appellant would submit that there is no direct evidence to establish the commission of crime, all those grounds are to be considered during the course of hearing of the criminal appeal.

6. Thus, we are not inclined to entertain the present petition for suspension of sentence. Accordingly, the petition is dismissed.

[S.M.S., J.]

[M.J.R.,
J.]

19.11.2024

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To

1. The Inspector of Police,
Sirumugai Police Station
Annur, Coimbatore

2. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

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