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Crl.M.P.No.2707 of 2024

in

Crl.A.No.674 of 2023

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in

Crl.A.No.674 of 2023

M.S.RAMESH,J.

and

SUNDER MOHAN,J.

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

The petitioner/appellant herein had earlier filed a miscellaneous petition in Crl.M.P.No.8754 of 2023 in Crl.A.No.674 of 2023, and the same is claimed to be dismissed by this Court on 18.12.2023, on merits, in the following manner:

“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



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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 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.”



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2. Within a short span of four months, the present application has been made. Since the earlier application was rejected on merits very recently, we are not inclined to entertain the present criminal miscellaneous petition, and accordingly, Crl.M.P.No.2707 of 2024 in Crl.A.No.674 of 2023 stands dismissed.

3. The Registry is directed to list the Criminal Appeal in the regular course.

[M.S.R.J.] [S.M.,J.]

06.06.2024

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