



Crl.M.P.No.3109 of 2024
in Crl.A.No.205 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2024

CORAM:

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

Crl.M.P.No.3109 of 2024
in Crl.A.No.205 of 2024

Sekar

... Petitioner

Vs.

The State rep. by,
Inspector of Police,
D-2 Selvapuram Police Station,
Coimbatore District.
(Cr.No.1102/2018)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) & 439 of Cr.P.C., seeking to suspend the sentence imposed in the judgment of conviction dated 04.01.2024 in Sessions Case No.56 of 2019 by the III Additional District and Sessions Judge, Coimbatore District, enlarge the petitioner on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.C.D.Sugumar

For Respondent : Mr.S. Rajakumar,
Additional Public Prosecutor



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ORDER

*(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)*

The learned counsel for the petitioner would submit that except P.W.1, all other witnesses turned hostile. There is no corroborating evidence to establish the deposition of P.W.1. Thus, the petition is to be considered.

2. The learned Additional Public Prosecutor furnished the copy of the statement of the deceased recorded by the Sub Inspector of Police in the Hospital.

3. We have perused the statement of the deceased and P.W.1. The post-mortem report speaks about the nature of injuries inflicted on the deceased.

4. Taking note of the evidence of P.W.1 and the nature of injuries sustained by the deceased, we could able to form an opinion that the



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petitioner has not made out a *prima facie* case for the purpose of considering the petition for grant of suspension of sentence.

5. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

(S.M.S, J.)

(M.J.R, J.)

06.12.2024

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To

1.The III Additional District and Sessions Judge,
Coimbatore District.

2.The Inspector of Police,
D-2 Selvapuram Police Station,
Coimbatore District.

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



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

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