



WEB COPY



Crl.MP.No.6605/2024 in Crl.A.No.446/2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.08.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP.No.6605/2024 in Crl.A.No.446/2024

1. Balu

2. Thanga @ Chandran

.. Appellant/Accused-1 & 2

Versus

State represented by
The Inspector of Police,
G-2, Periamet Police Station,
Kilpauk, Chennai
Cr.No. 51 of 2020

.. Respondent/Complainant

Prayer:-Civil Miscellaneous Petition filed under Section 389[1] of Cr.P.C.,
to suspend of the sentence and in S.C.No. 130 of 2021 by the learned XVIII
Additional Sessions Judge at Chennai.

For Petitioner : Mr.Devendran

For Respondent : Mr.S.Raja Kumar



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Additional Public Prosecutor
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 on the petitioners vide judgement and order dated 03.03.2023 passed in S.C.No.130 of 2021 on the file of the learned XVIII Additional Sessions Judge at Chennai.

2. The petitioners are A1 and A2 in S.C.No.130 of 2021 on the file of the learned XVIII Additional Sessions Judge at Chennai. They were found guilty of the offence under Section 302 r/w 34 IPC and convicted and sentenced to undergo Life Imprisonment for the offence, together with a fine of Rs.5,000/- in default to undergo Simple Imprisonment for 6 months for the offence and all the sentences were ordered to run concurrently.

3. Four eyewitnesses were examined by the Trial Court. More specifically P.W.1 injured narrated the seen of occurrence, which has been corroborated with other eye witnesses. The evidence of P.W.13/Dr.T.Ezhil



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Kothai reveals that multiple injuries were inflicted on the deceased.

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4. The learned Additional Public Prosecutor would submit that the petitioners and other accused are habitual offenders and in an drunken mode, the alleged offence has been committed.

5. The deposition of the eyewitnesses reveals that there is specific overt act established against the petitioners. Therefore, it is not desirable to suspend the sentence. In this regard the grounds raised may be considered at the time of hearing of the criminal appeal. Thus, this Miscellaneous Petition stands **dismissed**.

[S.M.S., J.] [V.S.G., J.]
08.08.2024

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Note: Registry is directed to list the main Criminal Appeal after two weeks for final hearing.

Internet: Yes



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To

1.The XVIII Additional Sessions Judge,
Chennai.

2. The Inspector of Police,
G-2, Periamet Police Station,
Kilpauk, Chennai.

3.The Central Prison-I,
Puzhal A-1 and A-2

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



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S.M.SUBRAMANIAM, J.

and

V.SIVAGNANAM, J.

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