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Crl.M.P.No.7616 of 2024 in Crl.A.No.41 of 2024

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in
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S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment, imposed on the petitioner by the learned I Additional District & Sessions Judge, Cuddalore, vide judgment in S.C.No.99 of 2023 dated 22.12.2023.

2. P.W.1 and P.W.2 are the eye-witnesses and the evidence of the eye-witnesses co-relate with the scene of occurrence and the evidence of P.W.1 corroborates with the Doctor's evidence P.W.11 and the post-mortem report with regard to the injuries inflicted on the deceased. Since it is an arguable point to be considered at the time of hearing of the appeal, the same may not be an acceptable ground for the purpose of suspending the sentence. The suspension of sentence is to be considered only in the event of no evidence or there is no possibility of confirming the conviction. Even certain doubts or suspicion raised would be insufficient to suspend the sentences, such grounds relating to suspicion or

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contradictions may be considered at the time of hearing of the appeal. In the present case, P.W.1 and P.W.2, being the eye witnesses and their statements are cogent, we are not inclined to consider the petition seeking suspension of sentence and the same is dismissed.

[S.M.S., J.]

[V.S.G., J.]

13.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
mrp

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