



Crl.M.P.No.9124 of 2024
in
Crl.R.C.No.1070 of 2024

M.DHANDAPANI, J.

This Criminal Miscellaneous Petition has been filed u/s 389(1) of Cr.P.C, seeking to suspend the sentence passed in judgement dated 22.12.2023 made in Crl.A.No.33 of 2021 passed by the Additional District and Sessions Judge, (Fast Track Court) at Arani, confirming the judgement of conviction and sentence passed by the Assistant Sessions Court, Arani, dated 10.11.2021 made in S.C.No.74 of 2019 and enlarge the petitioner on bail, pending disposal of the above Crl.R.C.

2. Heard learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police.

3. The revision petitioner/A2 was convicted for the offence u/s 294(b), 324, 307 r/w 34 of IPC and was sentenced to undergo simple imprisonment for a period of 3 months for the offence u/s 294(b), to undergo simple imprisonment for a period of 1 year for the offence u/s 324 of IPC and to undergo rigorous imprisonment for a period of 5 years for the offence u/s 307 with a fine of Rs.5,000/-, in default to pay the fine, sentenced to undergo simple imprisonment for a further period of 3 months, vide judgment made in S.C.No.74 of 2019 dated



10.11.2021, which was confirmed by the appellate court in CrI.A.No.33 of 2021 dated 22.12.2023 by the learned Additional District and Sessions Judge, Arani.

Aggrieved by the same, the present revision has been filed along with the petition seeking suspension of sentence.

4. It is the alleged that one Shanmugam/P.W.1 along with his brother, namely Yoganantham and Venkatesan were running a Tea Stall at Old Bus Stand in Arani Town, in which, one Pandiyan/A1 worked as Tea Master. Whiles, he was removed by the said Venkatesan, since he used to come to work after consuming alcohol. Thereafter, A1 set fire to a two-wheeler owned by the said Venkatesan, thereby, the said Venkatesan lodged a complaint against A1. Due to which, A1 developed enmity with Shanmugam/P.W.1 and his brother Yoganantham. On 17.08.2016, at about 07.00 p.m., A1 abused P.W.1 in a filthy language and attacked P.W.1 and Yoganantham with knife and the petitioner/A2 had abused Yoganantham in a filthy language and attacked him with his Blade Knife, with an intention to kill them, thereby A1 and the petitioner/A1 have committed the alleged offences punishable u/s 294(b), 324, 307 r/w 34 of IPC. From the evidence of P.W.1, it is seen that, due to previous enmity, A1 along with the petitioner have attacked P.W.1 and Yoganantham with a common intention to kill them, which is heinous in nature.



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5. It is pertinent to note that offences committed by the petitioner is heinous in nature and whenever suspension of sentence is sought for this Court has to be very circumspect in granting suspension. Suspension has to be granted only if a prima facie case is made out, where contradictions, which are crucial in nature are pointed out. In the case on hand, such crucial contradictions have not been pointed out and in such view of the matter, suspending the sentence, as a matter of course, will set a bad precedent in the society. Therefore, this Court is not inclined to accede to the prayer of the petitioner seeking suspension of sentence.

6. Hence, this Court is not inclined to suspend the sentence of imprisonment against the petitioner in S.C.No.74 of 2019 dated 10.11.2021 and accordingly, this Criminal Miscellaneous Petition stands dismissed.

7. Post the main revision in Crl.R.C.No.1070 of 2024 as per seriatum.

02.08.2024

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M.DHANDAPANI, J.

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To

- 1.The Additional District and Sessions Judge, (Fast Track Court) at Arani.
- 2.The Assistant Sessions Court, Arani.
- 3.The Public Prosecutor, High Court of Madras.

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