



Crl.M.P.Nos.10152 of 2023 & 415 of 2024
in Crl.A.No.572 of 2023

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

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

Mr.K.Selvakumaraswamy, learned counsel appearing for the petitioners would submit that several contradictions including the place of occurrence were not considered by the Trial Court. He would submit that the manner in which the alleged occurrence as deposed through the witnesses would be sufficient to form an opinion that several doubtful question arises.

2.The learned Additional Public Prosecutor and the learned counsel appearing on behalf of the third respondent would oppose by stating that the eye witnesses deposed the scene of occurrence in clear terms which would be sufficient to reject the present petition.



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3.We have gone through the evidence of the eye witnesses, namely, P.W.1 and P.W.2. P.W.1 is the brother of the deceased and P.W.2 is the friend of P.W.1. Both witnessed the occurrence and narrated the facts before the Court. We have gone through the evidence of the Doctor/P.W.6 and the Post mortem Certificate/Ex.P6 also. P.W.6/Doctor has stated about the nature of injuries inflicted. Cogent reading of the evidence of P.W.1, P.W.2 and P.W.6 and the Post mortem Certificate/Ex.P6 would be sufficient to form an opinion that the petitioner has not made out prima facie case for the purpose of grant of suspension of sentence. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

4.Post the main appeal for final hearing after two weeks.

[S.M.S., J.] [M.J.R., J.]
03.12.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-speaking order

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