



Crl.M.P.No.17108 of 2023 in Crl.A.No.1201 of 2023

Crl.M.P.No.17108 of 2023

in

Crl.A.No.1201 of 2023

M.DHANDAPANI, J.

This Criminal Miscellaneous Petition has been filed u/s 389(1) of Cr.P.C, seeking to suspend the sentence in S.C.No.366 of 2018 dated 05.10.2023 on the file of the Sessions Judge, Mahalir Neethi Mandram, Allikulam, Chennai, pending disposal of the above criminal appeal.

2. Heard learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing on the respondent police.

3. A perusal of the order of conviction passed by the learned Sessions Judge, Mahalir Neethimandram, Allikulam, Chennai dated 05.10.2023 made in S.C.No.366 of 2018 reveals that, the petitioners/appellants are convicted and sentenced for the following offence :-

(i) for offence u/s 341 of IPC, the petitioners are convicted and sentenced to undergo rigorous imprisonment for one month each with a fine of Rs.500/- each in default to undergo simple imprisonment for 1 week each.



WEB COPY

(ii) for offence u/s 307 r/w 34 of IPC, the petitioners are convicted and sentenced to under rigorous imprisonment for ten years each with a fine of Rs.5,000/- each in default to undergo simple imprisonment for three months each.

4. It is the alleged that the 1st petitioner had joined the candle factory of PW7 to get training by paying a sum of Rs.7,500/- and purchased a candle making mould. Since the 1st petitioner not interested in continuing with the training, he demanded return back of his amount the victim girls viz., Rajeswari/PW6 and Vanitha and they replied that their owner/PW7 will return money. However, the petitioners insisted the victim girls to return the money and when they asked the petitioners to go out, immediately, the petitioners pulled knives from their shoes and the 1st petitioner stabbed one Vanitha on her stomach and on hearing her scream, PW6 opened the door and the 2nd petitioner way laid her and stabbed her on her head, chest, back, left hand and stomach, thereby they have committed the alleged offences punishable u/s 341 and 307 r/w 34 of IPC. Though one of the victim, namely Rajeswari was examined as PW6 before the trial court, however the another victim, namely Vanitha has not been examined. However, the evidence of PW6 itself is enough to show that the petitioners have committed heinous offence.



Crl.M.P.No.17108 of 2023 in Crl.A.No.1201 of 2023

WEB COPY

5. It is pertinent to note that offences against women is increasing. The menace to the society by such unscrupulous elements is more 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/appellant seeking suspension of sentence.

6. Hence, this Court is not inclined to suspend the sentence of imprisonment against the petitioners in S.C.No.366 of 2018 dated 05.10.2023 and accordingly, this Criminal Miscellaneous Petition stands dismissed.

7. Post the main appeal in Crl.A.No.1201 of 2023 as per seriatum.

16.07.2024

sp



WEB COPY



Crl.M.P.No.17108 of 2023 in Crl.A.No.1201 of 2023

M.DHANDAPANI, J.

sp

To

1.The Sessions Judge,
Mahalir Neethimandram,
Allikulam,
Chennai.

2.The Public Prosecutor,
High Court of Madras.

Crl.M.P.No.17108 of 2023
in
Crl.A.No.1201 of 2023

16.07.2024