



CRL MP(MD) No.8456 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Sixth day of September Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.8456 of 2024

IN

CRL A(MD) No.349 of 2024

KANNAN @ GUNDU KANNAN ... PETITIONER/ APPELLANT/ ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.466/2018)

... RESPONDENT/RESPONDENT/COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed upon the petitioner in SC.No.353/2013 on the file of the learned Assistant Sessions Judge, Valliyoor, Tirunelveli District dated 25.08.2023.

Prayer in CRL A(MD) No.349 of 2024 :

To call for the entire records pertaining to the judgment rendered by the Learned Assistant Sessions Judge, Valliyoor, Tirunelveli District in S.C.No.353 of 2013 dated 25.08.2023 and set-aside the same and acquit the appellant.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.C.M.ARUMUGAM, Advocate for the petitioner and of MR.M.SAKTHI KUMAR, Government Advocate (Crl.Side) on behalf of the Respondent, the court made the following order:-



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This petition is filed to suspend the sentence imposed upon the petitioner in S.C.No.353 of 2013 on the file of the learned Assistant Sessions Judge, Valliyoor, Tirunelveli District, dated 25.08.2023.

2.Since the earlier application filed by the petitioner in CrI.M.P(MD)No.4517 of 2024 was dismissed by this Court on 30.04.2024, the present petition is filed.

3.The learned counsel for the petitioner submitted that the petitioner has been wrongly roped in this matter, and no one identified the accused and no identification parade was conducted subsequent to the occurrence. The de-facto complainant has not claimed the return of property before the trial Court and no confession statement was recorded from the petitioner. According to him, when the identification of the petitioner was not established by the prosecution, the petitioner is entitled for suspension of sentence. Further, the learned counsel submitted that six cases have been registered against the petitioner, out of which, three cases ended in acquittal and three more cases are pending. Hence, he prays for suspension of sentence.

4.Perusal of the evidence of P.W.8, which indicates that one gold chain is snatched in the occurrence and one aruval used for assaulting P.W.1 was recovered. Whether the non-identification of the accused by the victim viz., P.W.1 at the time of trial affects the prosecution case is a point to be considered at the time of appeal.

5.Considering the bad antecedent of the petitioner and also considering the fact



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that a case of robbery, this Court is not inclined to suspend the sentence at this point

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of time. Hence, this petition is dismissed.

sd/-

06/09/2024

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/09/2024

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE ASSISTANT SESSIONS JUDGE, VALLIYOOR, TIRUNELVELI DISTRICT.

2 THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.

3 THE INSPECTOR OF POLICE, PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-10993[I] dated 06/09/2024)

ORDER

IN

CRL MP(MD) No.8456 of 2024

IN

CRL A(MD) No.349 of 2024

Date :06/09/2024

RS/SG/SAR-(20.09.2024) 3P 6C

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