

*Crl.MP(MD)Nos.10543 & 9077 of 2026 in  
Crl.A(MD)Nos.929 of 2024 & 897 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.07.2026

CORAM:

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

Crl.M.P.(MD)Nos.10543 & 9077 of 2026  
in Crl.A.(MD)Nos.929 of 2024 & 897 of 2025

Crl.M.P.(MD)No.10543 of 2026

Karthick @ Valukkai Karthick

... Petitioner / A2

Vs.

State Of Tamilnadu  
Rep By Inspector of Police,  
Mathichayam Police Station  
Madurai District.  
(Crime No.137 of 2021)

... Respondent

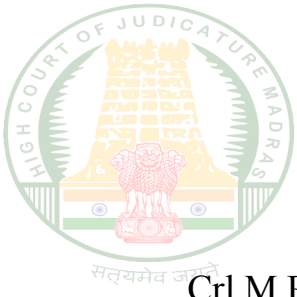
**Prayer:** Petition filed under Section 430(1) of BNSS to suspend the sentence of imprisonment imposed in C.C.No.511 of 2021, dated 13.03.2024, on the file of the learned I Additional District and Sessions Judge, Special Court for NDPS Act Cases, Madurai.

**For Petitioner(s):**

Mr.J.Vijayaraja

**For Respondent(s):**

Mr.A.Robinson, Government Advocate



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Crl.M.P.(MD)No.9077 of 2026

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Meenakshi Sundaram

... Petitioner/A1

Vs.

State of Tamilnadu  
Rep By Inspector of Police,  
Mathichayam Police Station,  
Mathichiyam,  
Madurai District.  
(Crime No.137 of 2021)

... Respondent

**Prayer:** Petition filed under Section 430(2) of BNSS to Suspend the Judgment of conviction and sentence passed by the learned Additional District Judge, I Additional Special Court for NDPS Act Cases, Madurai, dated 13.03.2024, in C.C.No.511 of 2021, convicting the petitioner for the offences under Section 8(c) r/w 20(b)(ii)(C) of NDPS Act and sentenced the petitioner to undergo 10 years RI and to pay Rs.1,00,000/- (Rupees one lakh only), in default, to undergo Simple Imprisonment for a further period of 12 months.

**For Petitioner(s):**

Mr.A.Jeyaram

**For Respondent(s):**

Mr.A.Robinson, Government Advocate



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## **COMMON ORDER**

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The petitioners, A1 and A2 in C.C.No.511 of 2021, on the file of the learned Additional District Judge, I Additional Special Court for NDPS Act Cases, Madurai were found guilty by the trial Court and were convicted and sentenced as under:-

| Sl.No | Accused | Sections                                | Punishment  | Fine amount       | Default                             |
|-------|---------|-----------------------------------------|-------------|-------------------|-------------------------------------|
| 1     | A1 & A2 | 8(c) r/w<br>20(b)(ii)(C)<br>of NDPS Act | 10 years RI | Rs.<br>1,00,000/- | 12 months<br>simple<br>imprisonment |

As against the conviction and sentence imposed by the trial Court in C.C.No.511 of 2021, dated 13.03.2024, the petitioners have filed a Criminal Appeal in Crl.A(MD)Nos.929 of 2024 & 897 of 2025 and the same were admitted by this Court on 07.11.2024 & 06.07.2026 respectively. The petitioners have also moved these applications to suspend the sentence imposed on them by the trial Court.

2. The case of the prosecution is that on 14.04.2021, at about 10.15 hours, inside an old, damaged and dilapidated building near Mathina Mosque on Vaigai Vadakarai Road, Madurai Town, A1 and A2 were found



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in illegal possession of 30 kg of ganja, meant for retail sale. Hence, the case.

3. The learned counsel appearing for the petitioners submits that the contraband is stated to have been seized on 14.04.2021. However, the same was produced before the Trial Court only on 24.06.2021, after a lapse of 70 days. He further submits that the mandatory provisions of the NDPS Act have not been complied with in the present case. The learned counsel also submits that the co-accused have already been granted suspension of sentence by this Court in Crl.M.P.(MD)Nos.10145 and 10229 of 2025 in Crl.A.(MD)Nos.277 of 2024 and 827 of 2025 by order dated 15.04.2026. It is further submitted that the petitioners have been in custody for more than five years.

4. The learned Government Advocate submits that the contraband was produced before the concerned Judicial Magistrate on the very same day. However, there was some delay in producing the contraband before the concerned Special Court, which, according to him, cannot be a ground to suspend the sentence of the petitioners. He further submits that the co-



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accused were granted suspension of sentence only because they were implicated through confession statement. He also submits that apart from the present case, the petitioner in Crl.M.P.(MD)No.10543 of 2026 is involved in several other criminal cases, as follows:-

- (i) Cr.No.23/2018, E2 Mathichiyam L&O Police Station, U/s.147, 148, 294(b), 324, 34, 341, 506(ii) IPC – PT.
- (ii) Cr.No.738/2017, E2 Mathichiyam L&O Police Station, U/s.147, 148, 294(b), 324, 506(2) IPC @ 147, 148, 294(b), 326, 506(2) IPC – PT.
- (iii) Cr.No.1059/2016, E2 Mathichiyam L&O Police Station, U/s.392, 397, 506(2) IPC – PT.
- (iv) Cr.No.748/2019, E3 Anna Nagar Police Station, U/s. 294(b), 307, 506(2) IPC @ 294(b), 307, 34, 506(2) IPC r/w 3(2)(v) SC/ST Act – PT.
- (v) Cr.No.1215/2020, C2 Subramaniapuram Police Station, U/s.147, 148, 302 IPC r/w 3(2)(v) SC/ST Act @ 147, 148, 302 IPC r/w 3(2)(v) SC/ST Act – PT.



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*Crl.MP(MD)Nos.10543 & 9077 of 2026 in  
Crl.A(MD)Nos.929 of 2024 & 897 of 2025*

(vi) Cr.No.1852/2017, D1 Tallakulam Police Station, U/s.

394 IPC @ 34, 394 IPC – PT.

(vii) Cr.No.1430/2017, D1 Tallakulam Police Station, U/s.

392, 397, 506(2) IPC – NTF.

(viii) Cr.No.1003/2019, B1 Vilakkuthoon Police Station,

U/s.392, 397, 506(2) IPC @ 34, 392, 397, 506(ii) IPC –

NTF.

Further, the petitioner in Crl.M.P.(MD)No.9077 of 2026 is involved in several other criminal cases, as follows:-

(i) Cr.No.424/2016, E2 Police Station, U/s.387, 506(ii) IPC.

(ii) Cr.No.312/2017, E2 Police Station, U/s.147, 148, 294(b), 324, 307, 506(ii) IPC – PT.

(iii) Cr.No.446/2018, E2 Police Station, U/s.147, 294(b), 323, 427, 506(ii) IPC – Acquitted.

(iv) Cr.No.45/2019, E2 Police Station, U/s.387, 506(ii) IPC – Acquitted.



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*CrI.MP(MD)Nos.10543 & 9077 of 2026 in  
CrI.A(MD)Nos.929 of 2024 & 897 of 2025*

- (v) Cr.No.255/2019, E2 Police Station, U/s.294(b), 341, 302, 506(ii) IPC @ 147, 148, 294(b), 341, 302 IPC – PT.
- (vi) Cr.No.11/2021, E4 GRH Police Station, U/s.269, 188, 224 IPC.
- (vii) Cr.No.14/2021, Perunkudi Police Station, U/s.307 IPC.

5. This Court considered the rival submissions made on either side and perused the materials available on record.

6. The contraband was recovered by the respondent police at Madurai. The respondent police are stated to have produced the contraband along with the accused before the learned Judicial Magistrate No.II, Madurai, on 14.04.2021. However, the learned Judicial Magistrate returned the contraband with a direction to produce the same before the concerned Special Court. The respondent police ought to have produced the contraband before the Trial Court, which is situated in the same campus, immediately. However, the respondent police took 70 days to produce the contraband before the concerned Special Court. Considering this material defect, the fact that the co-accused have already been granted suspension of



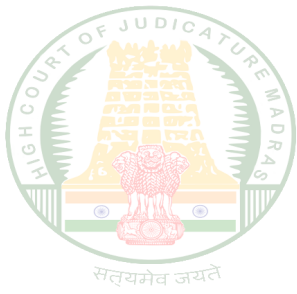
*Crl.MP(MD)Nos.10543 & 9077 of 2026 in  
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sentence by this Court in Crl.M.P.(MD)Nos.10145 and 10229 of 2025 in Crl.A.(MD)Nos.277 of 2024 and 827 of 2025 by order dated 15.04.2026, the period of incarceration undergone by the petitioners, and the fact that the appeal could not be taken up for hearing immediately, this Court is inclined to suspend the sentence imposed on the petitioners, however, subject to stringent conditions.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioners are ordered to be enlarged on bail on the following conditions:-

- i. The petitioners shall execute a bond for a sum of Rs.2,00,000/- (Rupees two lakhs only) each with two sureties each for a like sum to the satisfaction of the learned Additional District Judge, I Additional Special Court for NDPS Act Cases, Madurai. The sureties shall be Government Servants.
- ii. The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their residence address, before the trial Court as well as before the respondent Police. In the event, if



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*Crl.MP(MD)Nos.10543 & 9077 of 2026 in  
Crl.A(MD)Nos.929 of 2024 & 897 of 2025*

there is any change of address, the same shall be intimated to the respondent Police without fail.

- iii. The petitioners shall report before the respondent police, daily at 10.30 a.m., until further orders.
- iv. The petitioners and the sureties shall file an affidavit of undertaking before the respondent police that the petitioners will neither misuse the liberty granted by this Court nor involve in any other offence in future.
- v. In the event, if the petitioners have violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to them.

**06.07.2026**

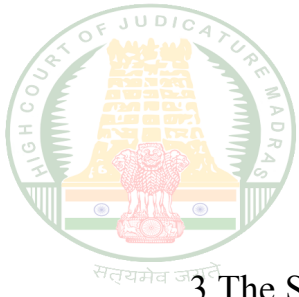
*mbi*

To

1.The learned Additional District Judge,  
I Additional Special Court for NDPS Act Cases,  
Madurai.

2.The Inspector of Police,  
Mathichayam Police Station  
Madurai District.

9/11



*CrI.MP(MD)Nos.10543 & 9077 of 2026 in  
CrI.A(MD)Nos.929 of 2024 & 897 of 2025*

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3.The Superintendent,  
Central Prison,  
Madurai.

4.The Superintendent,  
Central Prison,  
Coimbatore.

5.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.MP(MD)Nos.10543 & 9077 of 2026 in  
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**B.PUGALENDHI, J.,**

*mbi*

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**06.07.2026**