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

Wednesday, the Fifth day of October Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.6938 of 2016

IN

CRL A(MD) No.292 of 2016

ILAMARAN

... PETITIONER/APPELLANT

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION,
THENI DISTRICT.
(CRIME NO. 151/2011)

... RESPONDENT/RESPONDENT

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence passed by the learned 2nd Additional Special Court for EC & NDPS Act Cases, Madurai in C.C.No. 86 of 2011 on 06.05.2016 and order to enlarge the petitioner on bail pending disposal of the above appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S P.SUBBIAH, Advocate for the petitioner and of MR.S.PRABHA, Govt.Advocate(Crl.Side) on behalf of the Respondent, the court made the following order:-

The accused in C.C.No.86 of 2011, on the file of II Additional Special Sessions Court for EC and NDPS Act Cases, Madurai, while challenging the conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. After trial, the petitioner/accused has been convicted and sentenced as under:

Conviction	Sentence
Sections 8(C) r/w 20(b)(ii)(B) of NDPS Act	5 years R.I. + Rs.20,000/-, i/d 1 year S.I.

3. The learned counsel for the petitioner submitted that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. He further submitted that the petitioner is in custody for more than 5 years.

4. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner.



5. In the facts and circumstances, perusing the impugned Judgment and the materials on record, I am of the view that certain eminently arguable points are involved in this criminal appeal. They are required to be examined in detail in the main criminal appeal. Further, it will take some time for the disposal of the criminal appeal. Further, now the petitioner was confined at Central Prison, Madurai, by which, the necessity to consider this petition arises. On considerations, ordered as under:

- (i) Appeal bail granted till the disposal of the appeal.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the likesum each to the satisfaction of the learned II Additional Special Court for NDPS Cases, Madurai
- (iii) The petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m., until further orders.

sd/-

05/10/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE II ADDITIONAL SPECIAL SESSIONS COURT
FOR EC AND NDPS CASES, MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
CHINNAMANUR POLICE STATION,
THENI DISTRICT.

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

+1. C.C. to M/S P.SUBBIAH Advocate SR.No.59539

ORDER

IN

CRL MP (MD) No.6938 of 2016

IN

CRL A (MD) No.292 of 2016

Date : 05/10/2016

PA/CK/SAR III/06.10.2016/2P/6C