



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

Wednesday, the Fifth day of October Two Thousand Sixteen

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PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.7446 of 2016

IN

CRL A(MD) No.304 of 2016

1 MAHARAJAN

2 K.ESWARAN

... PETITIONERS/APPELLANTS/
ACCUSED NOS.1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION,
THENI DISTRICT.
CR. NO.48/2014

... RESPONDENT/RESPONDENT/
COMPLAINANT.

Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner by the Learned II Additional Special Sessions Judge (NDPS Act Cases) Madurai in C.C. No.63 of 2014 dated 5.8.2016 and enlarge him on bail pending disposal of the main Criminal Appeal.

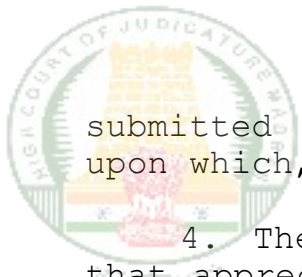
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.JEGADEESH PANDIAN, Advocate for the petitioners and of M/S.S.PRABHA, Government Advocate, on behalf of the Respondents the court made the following order:-

The accused/A1 and A2 in C.C.No.63 of 2014, on the file of II Additional Special Sessions Judge, NDPS Act Cases, Madurai, while challenging the conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

2. After trial, the petitioners/accused have been convicted and sentenced as under:

Conviction	Sentence
Sections 8(c) r/w 20(b)(ii)(b) of NDPS Act	7 years R.I. + Rs.25,000/-, i/d 1 year S.I.

<https://hcservices.courts.gov.in/hcservices>
The learned counsel for the petitioners 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 Trial Court has not followed the procedure and upon which, the appeal has also been preferred by the petitioners.

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

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 petitioners were 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 petitioners shall execute a bond for Rs.10,000/- (Rupees ten thousand only) each with two sureties for the likesum each to the satisfaction of the learned II Additional Special Sessions Judge (NDPS Act Cases), Madurai
- (iii) The petitioners 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

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE II ADDITIONAL SPECIAL SESSIONS JUDGE, NDPS ACT CASES, MADURAI

2 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, CUMBUM NORTH POLICE STATION,
THENI DISTRICT.

+1. C.C. to M/S.M.JEGADEESH PANDIAN Advocate SR.No.59498.

ORDER

IN

CRL MP(MD) No.7446 of 2016

IN

CRL A(MD) No.304 of 2016

Date : 05/10/2016