



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

Wednesday, the Twenty First day of September Two Thousand Sixteen
PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.7505 of 2016

IN

CRL A(MD) No.16 of 2016

1 PITCHAIYAMMAL

2 SAROJA

.. PETITIONERS/APPELLANTS/ACCUSED Nos.1 AND 4

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

KULITHALAI POLICE STATION,

KARUR DISTRICT.

CR. NO. 317/2013

... 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 of imprisonment imposed by the learned Additional District and Sessions Judge-cum-presiding officer, special court for EC Act & NDPS Act Cases, Pudukottai in C.C.No.46 of 2013 by the judgement dated 29.05.2015 and enlarge the petitioners/appellants on bail pending disposal of the above said Criminal Appeal.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of Mr.ANANDHAN for S.DEENADHAYALAN, Advocate for the petitioners and of MRS.S.PRABHA, Govt.Advocate(Crl.Side) on behalf of the Respondent,the court made the following order:-

The accused Nos.1 and 4 in C.C.No.46 of 2013, on the file of the learned Additional District and Sessions Judge cum Presiding Officer, Special Court for EC Act & NDPS Act Cases, Pudukkottai, while challenging his conviction and sentence, seeks appeal bail under Section 374(2) Cr.P.C.

2. After trial, he has been convicted and sentenced as under:

Conviction	Sentence
Section 8(c) r/w 20(b)(ii)(c) NDPS Act	10 years R.I. + Fine Rs.1,00,000/-, i/d 1 year R.I.

3. Fine amount has been paid.

4. 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.



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

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6. 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, the petitioners are in custody 29.05.2015 onwards, by which, the necessity to consider this petition arises. On considerations, ordered as under:

- (i) Appeal bail granted.
- (ii) Substantial sentence alone is suspended on condition that the petitioners 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 Additional District and Sessions Judge cum Presiding Officer, Special Court for EC Act & NDPS Act Cases, Pudukkottai
- (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/-

21/09/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE
CUM PRESIDING OFFICER,
SPECIAL COURT FOR EC ACT & NDPS ACT CASES, PUDUKKOTTAI.

2 DO-THRO' THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, PUDUKKOTTAI.

3 THE OFFICER INCHARGE, SPECIAL PRISON FOR WOMEN, TRICHY.

4 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION, KARUR DISTRICT.

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

+1. C.C. to M/S S.DEENADHAYALAN Advocate SR.No.54339

ORDER IN

CRL MP(MD) No.7505 of 2016 IN

CRL A(MD) No.16 of 2016

Date : 21/09/2016