



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

Thursday, the First day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL MP (MD) No.8746 of 2016
IN
CRL A (MD) No.338 of 2016

SARAVANAN

... PETITIONER/ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
CUMBUM NORTH POLICE STATION,
THENI DISTRICT,
CR NO. 221 OF 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 imposed by the 2nd Additional NDPS Act cases Madurai passed in C.C NO. 294 of 2013 dated 15.07.2016 pending disposal of the Criminal Appeal.

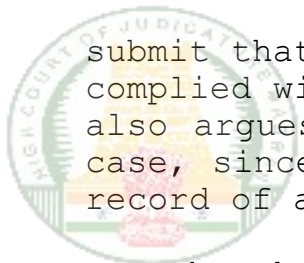
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MUNIYANDI, Advocate for the petitioner and of Mr.P.Kandasamy, Government Advocate on behalf of the Respondent, the court made the following order:-

The accused in C.C.No.294 of 2013, on the file of Court of the II Additional NDPS Act Cases, Madurai, while challenging his conviction and sentence, seeks appeal bail under Section 389(1) 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) of Narcotic Drugs and Psychotropic Substance Act, 1985.	10 Years R.I. + Fine Rs.1,00,000/-, i/d 1 Year R.I.

<https://hcservices.ecourts.gov.in/hcservices/> 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 would further



submit that Sections 42, 55 and 57 of the NDPS Act, are not properly complied with by the prosecution, in this case. The learned counsel also argues that arrest of the petitioner is also doubtful in this case, since arrest was made by the Sub-Inspector of Police, but the record of arrest appears the signature of the Inspector of Police.

4. The learned Government Advocate (Criminal Side) submitted that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner, however, there is no serious objection on the side of the respondent in ordering the suspension of sentence.

5. It is represented that fine amount is not paid. Considering the quantity of Kanja seized in this case, this Court is not inclined to exempt the petitioner from payment of fine amount.

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. On considerations, ordered as under:

- (i) Appeal bail granted, on payment of fine amount, as ordered by the trial Court.
- (ii) Substantial sentence alone is suspended on condition that the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand Only) with two sureties each, one among the sureties should be mother of the petitioner, for the like sum each to the satisfaction of the Court of II Additional NDPS Act 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.

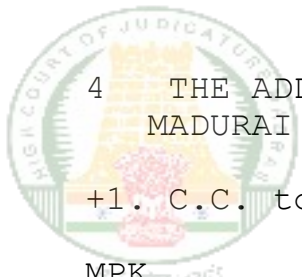
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE 2ND ADDITIONAL NDPS ACT CASES, MADURAI
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI
- 3 THE INSPECTOR OF POLICE
CUMBN NORTH POLICE STATION,
THENI DISTRICT.



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

+1. C.C. to M/S.S.MUNIYANDI Advocate SR.No.74706

MPK

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ORDER

IN

CRL MP (MD) No.8746 of 2016

IN

CRL A (MD) No.338 of 2016

Date :01/12/2016