

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of October Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL MISCELLANEOUS PETITION No.13145 of 2017

IN CRL A.265/2012

KANNAN

[PETITIONER/1ST APPELLANT/ACCUSED]

Vs

STATE BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
NIBCID, CHENNAI.

(CRIME NO.98 OF 2007).

Petition praying that in the circumstances stated therein the High Court will be pleased to reduce the petitioner's default sentence imposed by the Learned Principal Special Court under EC & NDPS Act, Chennai in C.C.No.52 of 2008 due to his financial position and pass such further or other orders as this Hon'ble Court.

Order : This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.R.C.PAUL KANAGARAJ, Advocate for the petitioner and of Mr.K.MATHAN, Government Advocate (Crl.Side) on behalf of the Respondent the court made the following order:-

It is seen that Kannan/A.1 and Vana Rajan (A.2) were tried for offences under NDPS Act by the Special Court under EC & NDPS Act, Chennai in C.C.No.52 of 2008 and by judgment dated 19.03.2012, Kannan (A.1) and Vana Rajan (A.2) were convicted for the offences punishable under Sections 8(C) r/w 21(C) of NDPS Act and were sentenced to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,00,000/-each, in default, to undergo one year rigorous imprisonment. Aggrieved by the conviction and sentence, Kannan (A.1) and Vana Rajan (A.2) have filed Criminal Appeal No.265 of 2012 through Counsel Mr.R. Vivekananthan and Mr.D. Vikram Raj and the appeal has been admitted and the same is pending.

2. While so, Kannan/A.1 has engaged Mr.R.C. Paul Kanagaraj to prosecute the appeal on his behalf. Mr.R.C. Paul Kanagaraj, learned counsel appearing for Kannan/A.1 submitted that the petitioner/Kannan/A.1 has completed ten (10) years sentence, but, since he was not able to pay the fine amount of Rs.1,00,000/-, he has not been released from prison. Mr.R.C. Paul Kanagaraj, learned counsel submitted that Kannan/A.1 is not challenging the conviction, but he is confining the prayer for reduction of the default sentence

of one year for non payment of fine amount.

3. Heard the learned Government Advocate (Crl.Side).

4. From the records, it is seen that Kannan/A.1 and Vana Rajan (A.2) filed a petition in Crl.M.P.No.1/2012 in Crl.Appeal No.265 of 2012 for suspension of sentence and bail and this Court, by Order dated 18.6.2012 dismissed the petition in respect of Kannan/A.1, but granted suspension of sentence and bail to Vana Rajan/A.2, on account of which, Vana Rajan/A.2 is not in custody.

5. Accepting the submissions of Mr.R.C. Paul Kanagaraj, the conviction and sentence passed by the Special Court under EC & NDPS Act, Chennai in C.C.No.52 of 2008 and by judgment dated 19.03.2012 are confirmed, but, however, the default sentence for non payment of fine amount of Rs.1,00,000/- is reduced from one year (1 year) rigorous imprisonment to one month (1 month) rigorous imprisonment.

6. The appeal as regards Vana Rajan/A.2 would be heard in the usual course. The petition is ordered accordingly.

-sd/-
25/10/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SPECIAL JUDGE,
FOR EC AND NDPS ACT CASES AT CHENNAI.

2 THE SPECIAL COURT UNDER
EC & NDPS ACT, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NIBCID, CHENNAI.

5 THE SUPERINTENDENT
CENTRAL PRISON I, (CONVICT)
PUZHAL, CHENNAI-66.

+1 C.C. to M/S.R.C.PAUL KANAGARAJ Advocate on payment of
necessary charges -Sr.19781

Order

in
CRL MP.13145/2017

in
CRL A.265/2012

Date :25/10/2017

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