



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

Tuesday, the Twenty First day of February Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL MP(MD) No.398 of 2017
IN
CRL A(MD) No.12 of 2017

JEYAPPAUL

... PETITIONER/APPELANT/ACCUSED NO.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
N.I.B.C.I.D, MADURAI, MADURAI.
(CRIME NO.25/2005)

... 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 by the learned IInd Additional Special Court for NDPS Act Cases, Madurai vide judgment dated 09.01.2017 in C.C.No.15 of 2006 on the petitioner / Appellant / Accused NO.1 and enlarge the petitioner / Appellant / Accused No.1 on bail untill the disposal of the criminal appeal pending on the file of this Honble court.

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

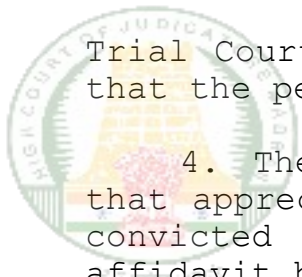
The accused in C.C.No.15 of 2006, on the file of the II Additional Special Court for NDPS Act Cases, Madurai while challenging his conviction and sentence, seeks appeal bail under Section 389(1) Cr.P.C.

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

Conviction	Sentence
Section 8(C) r/w. 20(b) (ii) (B) of NDPS Act	3 Years R.I., + Fine Rs.15,000/- i/d. 6 months S.I.

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

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 states that the petitioner is in custody.

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

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5. Considering the facts and circumstances of the case and also the fact that the petitioner is aged about 61 years and ailing from kidney problem, 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 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned II Additional Special Court for NDPS Act Cases, Madurai.

(iii) The petitioner shall appear before the said Court daily at 10.30 a.m. until further orders.

sd/-

21/02/2017

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

TO

1. THE II ADDITIONAL SPECIAL COURT,
NDPS ACT CASES, MADURAI.

2. THE INSPECTOR OF POLICE
N.I.B.C.I.D, MADURAI, MADURAI.

+1. C.C. to M/S.R.KARUNANIDHI Advocate SR.No.9368
JS/JM/SAR.3/23.02.2017/2P-4C

ORDER

IN

CRL MP(MD) No.398 of 2017

IN

CRL A(MD) No.12 of 2017

Date :21/02/2017