



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

Friday, the Sixteenth day of June Two Thousand Seventeen

PRESENT

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

CRL MP(MD) No.5056 of 2017
IN
CRL A(MD) No.179 of 2017

PARAMAN

... PETITIONER/APPELLANT

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT
CRIME NO.403/2006

... 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 II Additional District Special Court for EC & NDPS Act Cases, Madurai in C.C.No.176/2009 by the Judgement dated 28/03/2017 and enlarge the petitioner/appellant on bail pending disposal of the above Crl.A

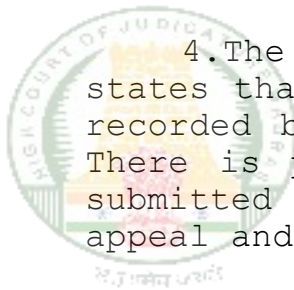
Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.S.MAHENDRAPATHY, Advocate for the petitioner and of MR.C.MAYIL VAHANA RAJENDRAN, Additional Public Prosecutor on behalf of the Respondent the court made the following order:-

The petitioner is the accused in C.C.No.176 of 2009 on the file of the learned II Additional Special Judge for NDPS Act Cases, Madurai, dated 28.03.2017.

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

Conviction	Sentence
Under Section 8(c) r/w. 20(b) (ii) (B) of NDPS Act	3 years RI + fine Rs.15,000/- i/d. 6 months SI

3. The learned counsel appearing for the petitioner states that there is a delay in sending a contraband to the Court and also there is variance in the weight of contraband, which has been sent for chemical analysis by the Court and also there is a contradiction in evidence of PWs.1 and 2 in respect of receipt of secrete information. He further states that fine imposed by the trial Court was paid and the copy of the receipt is also produced.



4. The learned counsel appearing for the petitioner further states that there are very many legal infirmities in the conviction recorded by the Trial Court and they are required to be revised. There is prima facie case in favour of the petitioner. He also submitted that the petitioner is having arguable points in this appeal and he is having prima facie case.

5. Mr. C. Mayil Vahana Rajendran, learned Additional Public Prosecutor appearing for the respondent states that there are totally 4 accused in this case. A2 and A3 have admitted the offence and thereafter, the case against A1 and A4 was split up and the case against A1 is pending in C.C.No.189 of 2009 and the present petitioner is A4 in this case. He further states that appreciating the evidence adduced, the Trial Court has rightly convicted and appropriately sentenced the petitioner and there is no prima facie case in favour of the petitioner herein, however, he has not raised any serious objection to grant the order of suspension in favour of the petitioner.

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.

7. On considerations, ordered as under:-

- (i) Appeal bail granted.
- (ii) Substantial sentence alone is suspended till the disposal of appeal, on condition that the petitioner shall execute a bond for Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties for the like sum each to the satisfaction of the learned II Additional Special Judge for NDPS Act Cases, Madurai,
- (iii) The petitioner shall appear before the concerned Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

sd/-
16/06/2017

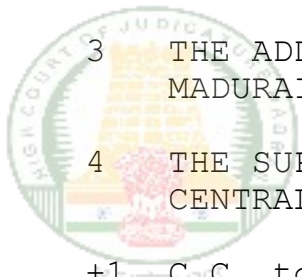
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE II ADDITIONAL SPECIAL JUDGE FOR NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
OSILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.



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

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

+1. C.C. to M/S.S.MAHENDRAPATHY Advocate SR.No.24459

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ORDER
IN
CRL MP (MD) No.5056 of 2017
IN
CRL A (MD) No.179 of 2017
Date :16/06/2017

MKV-CM-MSA-SAR 3/19.6.2017/3P-6C