



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

Thursday, the Sixth day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL MP(MD) No.5768 of 2017
IN
CRL A(MD) No.211 of 2017

MUTHUKARUPPAN

... APPELLANT/ACCUSED NO.1

Vs

STATE REP.BY,
THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION,
DINDIGUL DISTRICT.
CRIME NO.1668/2002

... 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 of imprisonment imposed by the Learned II Additional NDPS Court, Madurai in C.C.No.73/2004 dated 15/11/2016, moreover the appellant paid the fine amount of Rs.15,000/- imposed by the Learned II Additional District & Sessions, NDPS Court, Madurai and enlarge the petitioner/appellant on bail, pending disposal of the above CrI.A.

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

This petition has been filed praying to suspend the sentence of imprisonment imposed by the learned II Additional NDPS Court, Madurai in C.C.No.73 of 2004, dated 15.11.2016 and to enlarge the Petitioner on bail, pending disposal of the above appeal.

2.It is stated in the petition that the petitioner has been shown as first accused in C.C.No.73 of 2004, wherein he has been convicted under Sections 8(c) r/w 20(b)(ii) of NDPS Act and sentenced to under go rigorous imprisonment for three years and to pay a fine of Rs.15,000/- and in default, to undergo simple imprisonment for six months. Challenging the said conviction and sentence, the Petitioner has filed the present appeal before this Court.

3.The learned counsel for the Petitioner would submit that there are two accused in this crime and the second accused has already filed a Criminal Appeal in CrI.A(MD)No.95 of 2015 and this



Court also pleased to suspend the sentence against him. The Petitioner is also similarly placed person as that of A2. It is further submitted that the Petitioner has also paid the fine amount of Rs.15,000/- before the Court below.

4. Considering nature of offences alleged to have been committed by the petitioner and quantum of imprisonment awarded against him and considering the fact that the co-accused was already granted suspension of sentence, this Court is of the view to allow the present petition.

5. In fine, this petition is allowed. The sentence imposed in C.C.No.73 of 2004 alone is suspended till the disposal of Crl.A(MD) No.211 of 2017. The petitioner will be released on bail on executing a bond to the tune of Rs.10,000/- and two sureties each for the like-sum to the satisfaction of the learned II Additional District and Sessions Court for NDPS Cases, Madurai with a further condition that the petitioner shall report before the said Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal or until further orders.

6.The Registry is directed to call for records immediately.

sd/-

06/07/2017

/ TRUE COPY /

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

TO

- 1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE FOR NDPS CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE,
PALANI TOWN POLICE STATION, DINDIGUL 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.R.VIJAYAGOPAL Advocate SR.No.25926

ORDER

IN

CRL MP(MD) No.5768 of 2017

IN

CRL A(MD) No.211 of 2017

Date :06/07/2017