

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.11695 & 11696 of 2018

IN CRL A.532/2018

LAKSHMI,

[PETITIONER]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
T-9 PATTABIRAM POLICE STATION,
CHENNAI.
CR.NO.335 OF 2014.

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased

(i) To suspend the sentence imposed in C.C.No.33 of 2015 dated 10.07.2018 on the file of Principal Special Judge, Under NDPS At Chennai by enlarging petitioner on bail pending disposal of C.A.No. on the file of this Hon'ble Court. (CRL.M.P.NO.11695/2018)

(ii) To exempt her to pay the fine amount a sum of Rs.50,000/- imposed in C.C.No.33 of 2015 dated 10.07.2018 on the file of Principal Special Judge, Under NDPS At Chennai by enlarging petitioner on bail pending disposal of C.A.No. on the file of this Hon'ble Court. (CRL.M.P.NO.11696/2018)

Order : This petition coming on for orders upon perusing the petition and the filed in support thereof and upon hearing the arguments of M/S.T.MURUGANANDHAM, Advocate, for M/S.L.SRILEKA, Advocate for the petitioners, and of MR. V.SARATHA DEVI, Govt. Advocate (Crl. Side), on behalf of the Respondent, the court made the following order:-

The petitioner/appellant is the sole accused in Calendar Case No.33 of 2015, on the file of the Principal Special Judge, Chennai. By judgment dated 10.07.2018, the trial Court has convicted the appellant for offence under Section 8(c) r/w 20(b)(ii)(B) of the NDPS Act. She was sentenced to undergo Rigorous Imprisonment for five year and to pay a fine of Rs.50,000/-, in default, sentenced to undergo Rigorous Imprisonment for one year. Challenging the said conviction and sentence, the petitioner/accused has preferred the above appeal. Pending appeal, she seeks for suspension of sentence of imprisonment as well as the fine amount.

2. When the matter is taken up for hearing, the learned Government Advocate (Crl.side) would submit that even after her conviction, the petitioner has involved in five more offences of similar nature and therefore, she is not entitled to be enlarged on bail.

3. Considering the said submission made by the learned Government Advocate, appearing on behalf of the prosecution, this Court is not inclined to suspend the sentence and also not inclined to exempt the petitioner from paying the fine amount. Even otherwise, there is no merit in these petitions at this stage and therefore, these petitions are dismissed for the present.

-sd/-

27/11/2018

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, UNDER NDPS AT CHENNAI.

2 TH INSPECTOR OF POLICE,
T-9 PATTABIRAM POLICE STATION,
CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN),
PUZHAL, CHENNAI.

C.C. to M/S.L.SRILEKA Advocate on payment of necessary charges

WEB COPY

Order

in
CRL MP.11695/2018

in
CRL A.532/2018

Date :27/11/2018

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