

BAIL SLIP

The appellant/accused by name Mr.Shankar, aged 36 years S/o.Murugan was directed to be released on bail as per order of this court dated 20.07.2012 passed in MP.No.1 of 2012 in CrI.A.No.394/2012.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.04.2018

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THE HONOURABLE Mr.JUSTICE P.KALAIYARASAN

Criminal Appeal No.394 of 2012

Shankar Appellant/Accused

Vs

Inspector of Police,
NIB-CID, Chennai. Respondent

Criminal Appeal filed under Section 374[2] of Cr.P.C. and section 36-B of NDPS Act against judgment dated 29.06.2012 passed in C.C.No.99 of 2006 by the Special Judge, I Additional Special Court for NDPS Act, Chennai.

For Appellant : Mr.T.S.Sasikumar
For Respondent : Ms.M.Prabhavathi Ganeshram,
Addl. Public Prosecutor

J U D G M E N T

This Criminal Appeal is directed against the judgment, dated 29.06.2012, made in C.C.No.99 of 2006 on the file of the I Additional Special Court under NDPS Act, Chennai, convicting the appellant/accused for offences under Section 8[c] r/w 20[b][ii] [B] of NDPS Act, 1985 sentencing to undergo RI for 1 year and to pay a fine of Rs.10,000/-, in default to undergo further period of 1 month RI.

2.The Inspector of Police, NIB CID, Chennai laid charge sheet against the accused alleging that the appellant/accused was found in possession of 3.200 kgs of cannabis without any valid permission or license near Dr.Ambedkar Govt. Arts College bus stop at Erukernchery High Road, Vyasarpadi, Chennai at 10 a.m. on 02.11.2004. The trial Court, after analysing the evidence, convicted and sentenced the accused as aforesaid.

3.Learned counsel for the appellant though raised many grounds in memorandum of appeal, he confined his argument with respect to sentence alone. Since the appellant restricted his argument with respect to sentence alone, this Court need not go into the facts of the case.

4.The petitioner was in possession of 3 kgs of cannabis i.e.in between quantity on 02.11.2004. It is found from records that the appellant had been in custody as under trial prisoner and as convicted prisoner for a period of more than 90 days i.e. three months. The appellant was granted bail in 2004, after about 70 days from the date of occurrence.

5.Learned Additional Public Prosecutor fairly concedes that there is no bad antecedents and there is no adverse records, even after release on bail.

6.The appellant who was aged about 36 at the time of occurrence is now 50 years.

7.Considering the above factors, this Court is of the considered view that sentence imposed by the trial Court is to be modified and if the sentence imposed with imprisonment already undergone will serve the ends of justice.

8.In the result, this Criminal Appeal is partly allowed and the conviction imposed on the appellant/accused by the learned Special Judge, I Additional Special Court for NDPS Act, Chennai, in C.C.No.99 of 2006, dated 29.06.2012 is confirmed and the sentence is modified as follows :

"The appellant/accused is sentenced to undergo three months RI [period already undergone by the accused] and also to pay a fine of Rs.10,000/- [fine amount already paid before the trial Court]."

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

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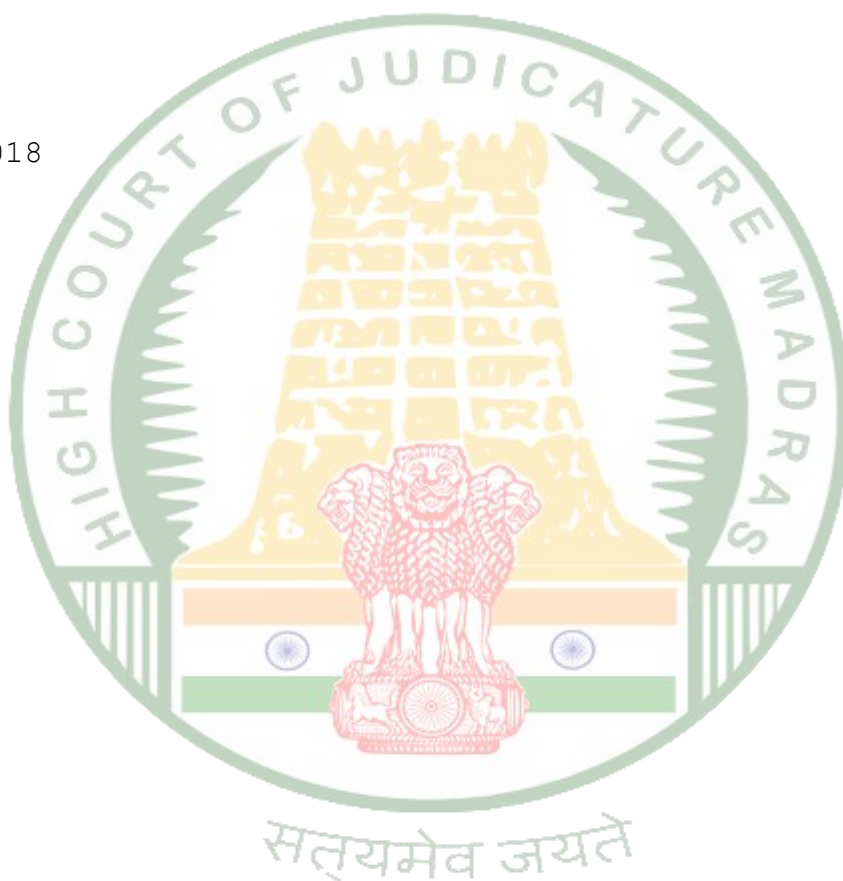
I Additional Special Court for NDPS Act,
Chennai.

copy to
The Section officer
Crl.Section High Court,
Madras

+1 cc to Mr.T.S.Sasikumar Advocate sr 26177

Crl. Appeal No.394 of 2012

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