

Bail Slip

The Appellant herein namely Latha, Accused in CC.NO.106/07 on the file of the I Additional Special Judge for NDPS Act, Chennai was directed to be released on bail, as per order of this court dated 02.11.12 made in MP.1/12 in CrI.A.626/12.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.04.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.KALAIYARASAN

Criminal Appeal No.626 of 2012

Latha .. Appellant/Accused

Vs

Inspector of Police,
NIB CID,
Chennai.

.. Respondent/Complainant

Criminal Appeal filed under Section 374(2) Cr.P.C., r/w Section 36-B of NDPS Act, 1985 to set aside the conviction and sentence rendered by the I Additional Special Judge for NDPS Act, Chennai, dated 20.09.2012 in C.C.No.106 of 2007 in Cr.No.24 of 2007 for the offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act and acquit the accused.

For Appellant : Ms.A.Shyamala
for Mr.V.Ganesh

For Respondent : Mrs.M.Prabavathi Ganesh Ram
Addl. Public Prosecutor

J U D G M E N T

This Criminal Appeal is directed against the Judgment of the I Additional Special Court under NDPS Act, Chennai, dated 20.09.2012, in C.C.No.106 of 2007, convicting and sentencing the appellant/accused to undergo 7 months RI and to pay a fine of Rs.5,000/-, in default to undergo further period of 1 month RI for the offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985, as amended by Act, 9/2001.

2.The case of the prosecution is that on 07.03.2007, at 13.30 hrs, at the junction of Nelson Manickam Road and Namasivayapuram New Bridge, Choolaimedu, Chennai-94, the accused

was found in possession of 1.5kgs of ganja, without any valid permit or license, which is a narcotic drug as per chemical examination report.

3.Learned counsel appearing for the appellant though raised several grounds in the memorandum of appeal, confined her argument with respect to sentence alone and therefore, this Court need not dwell upon the facts of the case.

4.Learned counsel appearing for the appellant argued that the appellant had been in custody for 83 days, that she is now aged about 57 years, that there is no bad antecedents either before or after the occurrence and therefore, the sentence imposed by the Special Court may be modified so as to undergo the period of imprisonment already undergone.

5.Learned Additional Public Prosecutor has strenuously argued that 1.5kgs of ganja is involved in this case and though it is in-between quantity, only lenient punishment has been imposed, namely, 7 months RI with Rs.5,000/- fine and the same does not require any interference. However, it is fairly conceded that the appellant had been in custody for 83 days in this case.

6.Considering the fact that the appellant had been in custody for nearly 3 months, the age of the appellant is 57 years, the fact that there is no bad antecedents as against the appellant not only prior to the occurrence, but also while she has been on bail for about 10 years, this Court is of the view that imposing the sentence for the period already undergone, will serve the ends of justice.

7.In the result, this Criminal Appeal is partly allowed confirming the conviction of the accused for the offence under Section 8(c) r/w 20(b) (ii)(B) of NDPS Act, 1985 and the sentence alone is modified as follows :

"The appellant/accused is sentenced to undergo RI for 83 days, i.e. the period already undergone by the accused and also to pay a fine of Rs.5,000/- [already imposed by the Special Court]."

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The Additional Sepcial Judge,
I Additional Special Court under NDPS Act,
Chennai.

2.Inspector of Police,
NIB CID,
Chennai.

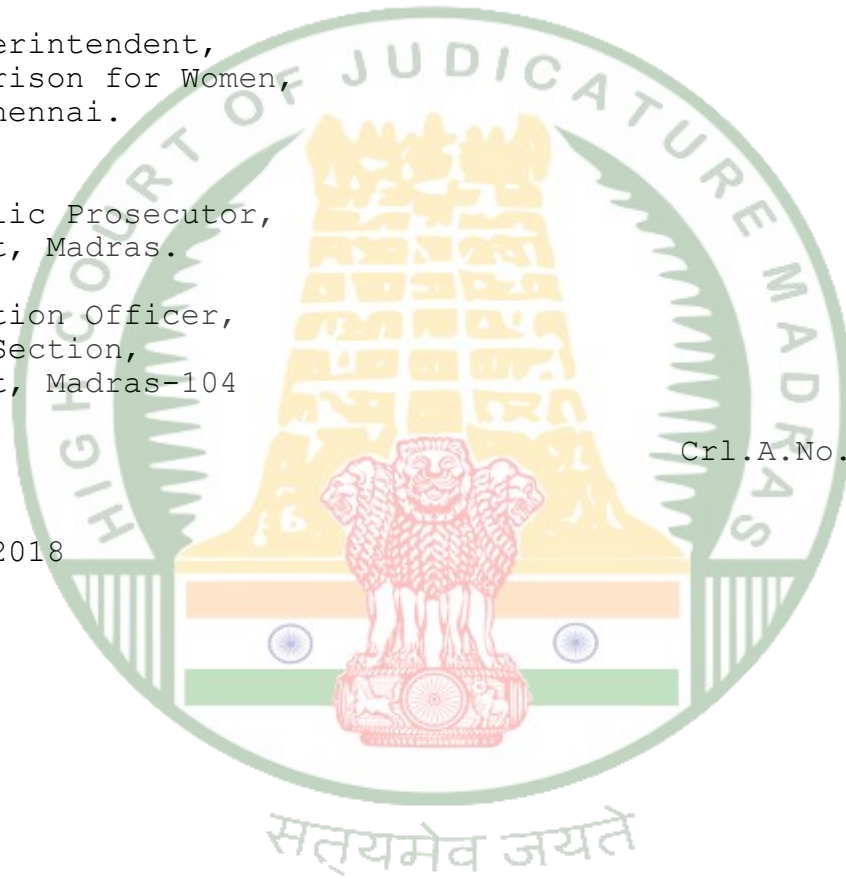
3.The Superintendent,
Central Prison for Women,
Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.

5.The Section Officer,
Criminal Section,
High Court, Madras-104

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nr 08/05/2018

Crl.A.No.626 of 2012



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