

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eleventh day of April Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P.KALAIYARASAN

CRIMINAL MISCELLANEOUS PETITION No.4951 of 2018

IN CRL A.205/2018

1 AYUB
2 HARIDAS

[PETITIONERS]

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
UKKADAM POLICE STATION,
COIMBATORE DISTRICT.
CR.NO.97 OF 2015

[RESPONDENT]

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal Appeal No.205 of 2018 on the file of the High Court, the High Court will be pleased to suspend the sentence made in CC No.24 of 2015 on the file of the Additional District/Presiding Officer Special Court for EC Act Cases, Coimbatore dated 08.03.2018 and enlarge them on bail

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl. Appeal No.205/2018 on the file of the High Court and upon hearing the arguments of M/S.S.N.ARUN KUMAR Advocate for the petitioner and of MR.S.M.PRABHARATHI GANESH RAM ADDL. PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Heard both sides.

2.This petition has been filed by the petitioners/A1 and A2 seeking to suspend the order of sentence passed by the learned Additional District Judge/Presiding Officer, Special Court for E.C. Act Cases, Coimbatore, dated 08.03.2018, in C.C.No.24 of 2015.

3.The petitioners/appellants were convicted and sentenced to undergo RI for 3 years and to pay fine of Rs.10,000/-, in default to undergo SI for 6 months for the offence under Section 8[C] r/w 20[b][ii][B] of NDPS Act, 1985.

4.Learned counsel for the petitioners/appellants contend that the petitioners had been on bail through out the trial, that there is no bad antecedent as against the petitioners, that they are having permanent residence and therefore, the sentence may be suspended.

5.Learned Additional Public Prosecutor opposed the application contending that the trial Court, after analysing the evidence, found the petitioners guilty, convicted and sentenced them. However, she fairly concedes that there is no record as to their involvement in any case, when they were on bail.

6.Considering the fact that the petitioners/appellants had been on bail through out the trial and the fact that there is no bad antecedent and also the entire facts and circumstances of the case, this Court is inclined to suspend the sentence imposed by the trial Court. Accordingly, the substantive sentence of imprisonment alone is suspended on executing separate bond for a sum of Rs.10,000/- [Rupees Ten Thousand only] with two sureties each for a like sum to the satisfaction of the learned Additional District Judge/Presiding Officer, Special Court for E.C. Act Cases, Coimbatore and on further condition that the petitioners shall appear before the said Court on the first working day of every month at 10.30 a.m till the disposal of the appeal.

-sd/-
11/04/2018

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 ADDITIONAL DISTRICT
JUDGE/PRESIDING OFFICER, SPECIAL COURT FOR
EC ACT CASES, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UKKADAM POLICE STATION,
COIMBATORE DISTRICT.

5 THE SUPERINTENENT
CENTRAL PRISION, COIMBATORE

+1 C.C. to M/S.S.N.ARUN KUMAR Advocate on payment of necessary
charges SR.NO. 7062

Order

in
CRL MP.4951/2018

in
CRL A.205/2018

Date :11/04/2018

From 7.2.2001 the Registry is issuing certified
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RD 12/04/2018