

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N. SATHISH KUMAR

CRIMINAL MISCELLANEOUS PETITION No.7013 of 2018

IN CRL A.303/2018

KUMAR

[PETITIONER]

Vs

STATE REP. BY

[RESPONDENT]

INSPECTOR OF POLICE,

NIB/CID, COIMBATORE DISTRICT.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in CRL A.303/2018 on the file of the High Court, the High Court will be pleased to suspend the sentence passed in CC No.89 of 2017 on the file of Additional District Court/E.C. Act Special Court, Coimbatore dated 15.03.2018 and enlarge the petitioner on bail pending disposal of the above CRL A.303/2018.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in CRL A.303/2018 on the file of the High Court and upon hearing the arguments of M/S.M.N.BALAKRISHNAN, Advocate for the petitioner and of M/S.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

Petitioner was convicted for offences under Section 8(c) r/w 20 (b)(ii)(B) of NDPS Act and sentenced to undergo three years rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo six months rigorous imprisonment by learned Additional District Court/E.C. Act Special Court, Coimbatore under judgment dated 15.03.2018 in C.C.No.89 of 2017. Hence, petitioners seek suspension of sentence.

2. Learned counsel for petitioner would submit that the petitioner is presently confined at Central Prison, Coimbatore and there are several infirmities and inconsistencies found in the prosecution case. It is contended that there are contradictions in the material particulars between the evidence of the prosecution witnesses.

3. Heard learned Additional Public Prosecutor on the submissions made by learned counsel for petitioner.

4. Considering the facts and circumstances of the case and in view of the fact that there are several infirmities in the prosecution case and there are arguable points involved in the appeal, as contended by learned counsel for petitioner, and further

the appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

5. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that each of the petitioner shall execute a bond in a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the Additional District Court/E.C. Act Special Court, Coimbatore and on further condition that the petitioner shall appear before the said Court on the first working day of every month at 10.30 a.m. pending appeal.

-sd/-

30/05/2018

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 COURT/
E.C. ACT SPECIAL COURT, COIMBATORE.

2 THE INSPECTOR OF POLICE,
NIB/CID, COIMBATORE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1C.C. to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges in SR.NO. 9787

Order

in
CRL MP.7013/2018

in
CRL A.303/2018

Date :30/05/2018

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MLT-04/06/2018