IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice V. PARTHIBAN

CRIMINAL MISCELLANEOUS PETITION No.2129 of 2018

in CRL.A.NO.396/2017

K.RAVISHANKAR, [PETITIONER/APPELLANT/ACCUSED]

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
NIC CID, CHENNAI.
CR.NO.112 OF 2003.

Petition praying that in the circumstances stated therein and in the Memorandum of Grounds in Criminal APPEAL No.396 OF 2017 on the file of the High Court, the High Court will be pleased to Suspend the sentence passed by the Principal Special Judge, Principal Special Court under NDPS Act, Chennai-600 104, in C.C.No.8 of 2005 dated 30.06.2017 convicting and sentencing the appellant to undergo 10 years R.I. and imposed a fine of Rs.1,00,000/- for alleged offences under Section 8 (c) r/w.21 (b) of NDPS Act and another 10 years R.I. and imposed a fine of Rs.1,00,000/- for the alleged offences under Section 8 (c) r.w. 25 of NDPS Act and both the sentence to run concurrently pending disposal of the above Crl.A.No.396 of 2017.

Order : This petition coming on for orders upon perusing the petition and the Memorandum of Grounds in Crl.A.No.396 of 2017 on the file of the High Court and upon hearing the arguments of MR.K.SELVAKUMARASWAMI, FOR M/S.K.KANNAN, Advocate for the petitioner and of Mrs.V.SARATHA DEVI, Government 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.8 of 2005, on the file of the Principal Special Judge, Chenai (under NPPS Act). By judgment dated 30.06.2017, the trial Court has convicted the appellant for offence under Section 8(c) r/w Sec.21 (b) and Section 8(c) r/w.Section 25 of the NDPS Act. He was sentenced to undergo Rigorous Imprisonment for ten years and to pay a fine of Rs.1,00,000/-, in default, sentenced to undergo Rigorous Imprisonment for two years. Challenging the said conviction and sentence, the petitioner/accused has preferred the above appeal. Pending appeal, he seeks for suspension of sentence of imprisonment as well as the fine amount.

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2.When the matter is taken up for hearing, the learned Government Advocate (Crl.side) would submit that the petitioner has committed a serious offence and he was found in possession of 1500 grams of heroin and the same was seized by the police. Considering the seriousness of the crime committed by the petitioner/accused, the trial Court has rightly convicted him and imposed the sentence and therefore, the petitioner 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 this petition at this stage and therefore, this petition is dismissed for the present.

-sd/-
01/02/2019

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SPECIAL JUDGE,
PRINCIPAL SPECIAL COURT UNDER NDPS ACT,
CHENNAI-104.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL-I, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NIC CID, CHENNAI.

C.C. to M/S.K.SELVAKUMARASWAMI Advocate on payment of necessary charges

Order

in
CRL MP.2129/2018
in CRL.A.NO.396/2017

Date :01/02/2019

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