



BAIL SLIP

1. Vadivel, Male / 59 years, S/o.Angamuthu Nadar,
2. Rajendran, Male / 55 years, S/o.Subba Naidu

WEB COPY

... Petitioners/Appellants/Accused Nos.1&2

were released on bail of this Court order dated 04.06.2009 made in MP(MD)No.1 of 2009 in Crl.A(MD)No.75 of 2009

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2019

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.A.(MD)No.75 of 2009

1. Vadivel
2. Rajendran

... Appellants/Accused

Vs.

State by the Inspector of Police,
Courtalam police station,
Tirunelveli District.
(Crime Nos.137 & 138 of 2002)

... Respondent/Complainant

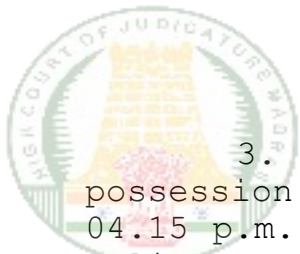
Prayer: Criminal Appeal is filed under Section 374 of Cr.P.C, against the Judgment and conviction passed by the learned Special District and Sessions Judge, (N.D.P.S.) Act Cases, Madurai, in C.C.No.1100 of 2003 dated 19.01.2009 convicting them for the alleged offence under Section 8(C) r/w 20(b)(ii)(B) of NDPS Act and sentenced them to undergo three years Rigorous Imprisonment and imposed to pay a fine of Rs.5,000/- each, in default to undergo three months Simple Imprisonment.

For Appellants	: Mr.M.Jagadeesh Pandian, for Mr.M.Karunanithi.
For Respondent	: Mr.A.Robinson, Govt. Advocate (Crl. Side)

JUDGMENT

The appellants were convicted for the offence under Section 8 (C) r/w 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act and sentenced to 3 years Rigorous Imprisonment and levied with a fine of Rs.5,000/- vide Judgment dated 19.01.2009 in C.C.No.1100 of 2003 on the file of the learned Special District and Sessions Judge (N.D.P.S.) Act Cases, Madurai.

2. Heard the learned counsel on either side.



3. The prosecution case is that the appellants were in possession of 500 grams of "Hashish" oil on 30.04.2002 at about 04.15 p.m., near Courtalam bus stand main road, when the respondent police arrested them. In this regard crime Nos. 137 and 138 of 2002 were registered on the file of the Courtalam police station on the same day (ie.,) on 30.04.2002 at about 05.30 p.m. Investigation was taken up and final report was filed before the Special Court. Cognizance of the offence was taken and charges were framed against the appellants. The appellants pleaded not guilty and claimed to be tried. The prosecution examined five witnesses and marked Ex.P.1 to Ex.P.18. M.O.1 to M.O.6 were also marked. The learned trial Judge by Judgment dated 19.01.2009 came to the conclusion that the prosecution had proved its case against the appellants beyond reasonable doubt and proceeded to convict and sentence them as mentioned above. Challenging the same, this Criminal Appeal has been filed.

4. When the matter was taken up for hearing, the learned counsel appearing for the appellants submitted that they would not challenge the conviction and that they would only pray for leniency in the matter of punishment. It is seen that the appellants have crossed the age of 60. The first appellant must be aged about 68 years, while the second appellant must be aged about 64 years. Quantum involved is not a commercial quantity. The appellants have not come under the adverse notice, after this occurrence. As already pointed out, the occurrence dates back to the year 2002. Now for the last 17 years, the appellants are leading their lives in accordance with law. The appellants have spent about 110 days in prison.

5. Therefore, taking note of these mitigating aspects, even while sustaining the conviction, the sentence of imprisonment imposed on the appellants is reduced and modified to the period already undergone by them.

6. This Criminal Appeal stands partly allowed. The bail bond, if any, executed by them shall stand cancelled. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Special District and Sessions Judge,
(Nts. Div. P/CS) Act Cases, Madurai.

<https://hcservices.eopn.in/https://hcservices.eopn.in/>



2. The Inspector of Police,
Courtalam police station,
Tirunelveli District.

Copy to:

1. The Additional Public Prosecutor,
Madras High Court-Madurai Bench, Madurai.
2. The Section Officer,
Criminal Section, (2 copies)
Madras High Court-Madurai Bench, Madurai.

Crl.A. (MD)No.75 of 2009
31.07.2019

PMU

MK (27.09.2019) 3P 6C