

**BAIL SLIP**

M.AnnaDurai, S/o. MuthuKaluvaThevar, aged about 45 years was released on bail vide this Court order dated 22.02.2010 in MP.1 of 2010 in CRL A(MD)No.22 of 2010.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CRL A (MD)No.22 of 2010

M.Anna Durai

... Appellant /Accused

Vs.

State, rep.by
The Inspector of Police,
N.I.B.C.I.D.,
Theni, Theni District.
(Crime No.66 of 2003)

... Respondent / Complainant

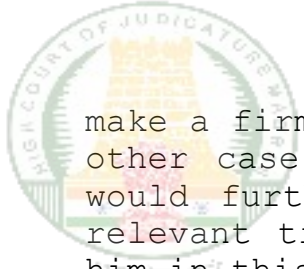
Prayer : This Criminal Appeal is filed under Section 374 of Criminal Procedure Code, as against judgment and conviction rendered by the learned Special District and Sessions Judge, (NDPS Act Cases), Madurai, Madurai District in C.C No.1030 of 2003 vide his judgment dated 20.01.2010 by convicting the appellant under Section 8 (c) r/w 20(b)(ii)(B) of the NDPS Act and sentenced him to undergo five years R.I and to pay a fine of Rs.10,000/- in default, to undergo three months simple imprisonment.

For Appellant : Mr.R.Anand
For Respondent : Mr.A.Robinson,
Government Advocate (crl.side)

JUDGMENT

The appellant was convicted and sentenced for the offence under Section 8 (c) r/w 20(b)(ii)(B) of the NDPS Act to undergo five years rigorous imprisonment and to pay a fine of Rs.10,000/- in default, to undergo three months simple imprisonment vide judgment dated 20.01.2010 by the learned Special District and Sessions Judge (NDPS Act Cases), Madurai in C.C No.1030 of 2003. Questioning the same, this appeal has been filed.

2.The learned counsel appearing for the appellant raised very many contentions challenging the impugned judgment. He would however state that even if this court finds the appellant guilty, this Court may not send the appellant to the prison at this point of time. The occurrence had taken place on 18.02.2003. More than sixteen and half years have elapsed. The appellant is now aged about 54 years. He has not come under any adverse notice of the respondent either earlier or later. The appellant's counsel would



make a firm statement before me that the appellant is not having any other case under NDPS Act. There was only a minor IPC case. He would further state that there was a family problem during the relevant time and that one of the family member falsely implicated him in this case.

3. Taking note of all these aspects, even while sustaining the conviction and fine imposed on the appellant, this Court reduces and modifies the sentence of imprisonment to the period already undergone by him. With this modification in the matter of sentence, this criminal appeal is partly allowed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Inspector of Police, N.I.B.C.I.D.,
Theni, Theni District.

2. The Special District and Sessions Judge, (NDPS Act Cases),
Madurai, Madurai District

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL A (MD) No. 22 of 2010

12.07.2019

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