



BAIL SLIP

Subbu, S/O.Kanda Thevar, Male, Aged about 45/2013 years (Sole Accused) was released on bail vide court order dated 26.07.2013 made in MP(MD) No.1 of 2013 in CRL A(MD) No.233 of 2013.

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

Crl.A(MD)No.233 of 2013

Subbu

... Appellant/Sole Accused

Vs

State Rep by  
The Inspector of Police,  
Uthappanaickkanoor Police Station,  
Madurai District.  
(In Cr.No.13 of 2010)

... Respondent/Complainant

**PRAYER:** Criminal Appeal is filed under Section 374 of Cr.P.C., against the Judgment and Conviction passed by the learned Additional District and Sessions Court cum E.C. Act & NDPS Act Cases Special Court, Madurai in C.C.No.234 of 2010, dated 22.07.2013, convicting the appellant for the alleged offence under Section 8(c) r/w 20(b) (ii) (B) of NDPS Act and sentenced them to undergo two years rigorous imprisonment and to pay a fine of Rs.20,000/-, in default to undergo six months rigorous imprisonment and the period of detention (11.01.2010 to 03.02.2010) is ordered to be set off under Section 428 of Cr.P.c. and the sentences are ordered to run concurrently.

For Appellant : Mr.M.Jegadeesh Pandian  
for M/s.K.J.Associates

For Respondent : Mr.A.Robinson  
Government Advocate (Crl.side)

**JUDGMENT**

The appellant was convicted for the offence under Section 8 (c) r/w 20(b) (ii) (B) of NDPS Act and sentenced to two years rigorous imprisonment. He was also directed to pay a fine of Rs.20,000/-.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The case of the prosecution is that on 10.01.2010, the appellant was found in possession of 15 kg of ganja. In this regard, secret information was received vide Ex.P5. Based on the same, Ex.P8 FIR in Crime No.13 of 2010 was registered on the file of the Uthappanaickkanoor Police Station, Madurai District. Investigation was taken up and final report came to be laid against the appellant. Charge was framed against him. But he pleaded not guilty and claimed to be tried. To prove their case, the prosecution examined P.W.1 to P.W.5 and marked Ex.P1 to Ex.P8 and also marked M.O.1 to M.O.3. On the side of the accused, no evidence was adduced. The learned trial Judge, vide Judgment dated 22.07.2013 in C.C.No.234 of 2010 on the file of the Additional District Judge, Principal Sessions Court for NDPS Act cases, Madurai, convicted and sentenced the appellant as mentioned above. Challenging the same, this appeal came to be filed.

3.When the matter was taken up for hearing, the learned counsel appearing for the appellant submitted that he is not challenging the finding of guilt or conviction and that, he would be satisfied, if leniency is shown in the matter of punishment.

4.It is seen that the appellant did not have any bad antecedents prior to the registration of this case. The occurrence took place in the year 2010. He has not come under adverse notice of the respondent subsequently. The petitioner has a family to support and there are other mitigating circumstances. Therefore, even while confirming the conviction, the sentence of imprisonment is modified and reduced to the period already undergone by the appellant. The fine amount, if any, paid by him shall be refunded forthwith. The bail bond, if any, executed by the appellant shall stand cancelled.

5.With this modification and reduction in the matter of sentence, this criminal appeal is partly allowed.

Sd/-  
Assistant Registrar(CrI. Side)

/TRUE COPY/

Sub Assistant Registrar

To

1.THE ADDITIONAL DISTRICT AND SESSIONS COURT  
CUM E.C. ACT & NDPS ACT CASES,  
SPECIAL COURT, MADURAI.



2.THE INSPECTOR OF POLICE,  
UTHAPPANAICKKANNOOR POLICE STATION,  
MADURAI DISTRICT.

3.THE SUPERINTENDENT,  
CENTRAL PRISON, MADURAI.

4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE SECTION OFFICER,  
CRIMINAL SECTION (RECORDS),  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.  
(2 COPIES)

+1 CC to M/s.JEGADEESH PANDIAN, Advocate ( SR-82484[F] dated  
20/08/2019 )

Crl.A(MD)No.233 of 2013  
19.08.2019

rmi  
JM/10.09.2019/3P/8C