



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Second day of March Two Thousand Twenty
PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

CRL MP(MD) No.10805 of 2019

IN

CRL A(MD) No.587 of 2019

1 SELVAM
2 PALPANDI

... PETITIONERS/ APPELLANTS/
ACCUSED NO.1 & 2

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
NIB CID, THENI.
CRIME NO.12 OF 2018

... RESPONDENT/ RESPONDENT/
COMPLAINANT

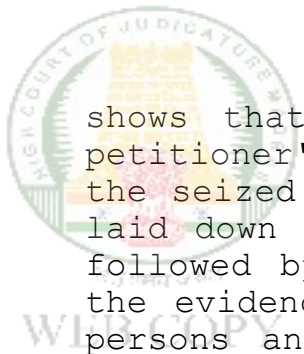
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioners/appellants/accused no.1 and 2 namely selvam, S.o Chelladurai and Palpandi s/o Rajakaluvan passed by the learned Principal Special Court for EC and NDPS Act cases, Madurai in CC.No.172/2018, dt 30.09.2019

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.JEGADEESH PANDIAN, Advocate for the petitioners and of MR.V.NEELAKANDAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the conviction and sentence order passed by the Additional District Judge/Presiding Officer, Principal Special Court for EC & NDPS Act cases, Madurai, in CC No.172 of 2018, dated 30.09.2019 pending disposal of the criminal appeal.

2.The learned counsel appearing for the petitioners/A1 and A2 submitted that the petitioners were convicted by the trial court for the offence under section 8(c) r/w 20(b)(ii)(C) of NDPS Act r/w 34 of IPC, sentenced them to undergo 10 years rigorous imprisonment each and to pay a fine of Rs.1,00,000/- each, in default to undergo further period of 6 months simple imprisonment each.

3.The learned counsel appearing for the petitioners further submitted that the trial court had failed to note that most of the documents produced in the occurrence spot are computer typed, which



shows that the manner in which the case registered against the petitioner's is false and that there are enormous delay in producing the seized contraband before the concerned court and the procedures laid down under sections 42(2) and 57 of NDPS Act were not at all followed by the prosecution and there is no corroboration between the evidence of PW3 and PW4 and that the petitioners are innocent persons and they were falsely implicated in this case and that there are several infirmities in the prosecution case and there are contradictions in material particulars in the evidence of the prosecution witnesses and that the petitioners are in jail since 30.09.2019 and prays for suspension of sentence.

4.It is submitted by the learned Additional Public Prosecutor appearing for the respondent/State that the trial court has rightly convicted the petitioners and there are enough materials available on record against the petitioners and there is no infirmity in the prosecution case and prays for dismissal of this petition.

5.This court has carefully considered the rival contentions put forth on either side and also perused the materials available on record.

6.The learned counsel for the petitioners pointed out certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and the petitioners are in jail since 30.09.2019 and as such, this court is of the considered view that the petitioners herein are entitled to the relief of grant of suspension of sentence with stringent conditions.

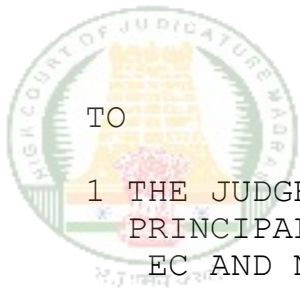
7.Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioners are directed to be enlarged on bail on condition that each of them shall execute a bond for a sum of **Rs.10,00,000/- (Rupees Ten Lakhs only)** with two sureties each for a like sum to the satisfaction of the the Additional District Judge/Presiding Officer, Principal Special Court for EC & NDPS Act cases, Madurai and on further condition that the petitioners shall appear before the said court daily twice I.e., at 10.30 am and 5.00 pm pending appeal.

Post the main case for final hearing on 18.03.2020.

sd/-
02/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1 THE JUDGE
PRINCIPAL SPECIAL COURT FOR
EC AND NDPS ACT CASES, MADURAI.

2 THE ADDITIONAL DISTRICT JUDGE/
PRESIDING OFFICER,
PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT CASES,
MADURAI

3 THE INSPECTOR OF POLICE
NIB CID, THENI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-4612[I] dated
02/03/2020)

ORDER
IN
CRL MP(MD) No.10805 of 2019
IN
CRL A(MD) No.587 of 2019
Date :02/03/2020

ER
JM/VR/SAR 4/04.03.2020/3P/7C