



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.11155 of 2019
IN CRL A(MD) No.600 of 2019

VATTEPU NARESH

... PETITIONER/ APPELLANT/
SOLE ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
NIB CID, THENI.
CRIME NO.76 OF 2018

... RESPONDENT/ RESPONDENT/
COMPLAINANT

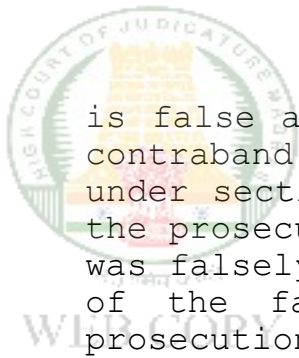
Petition praying that in the circumstances stated therein and in the petition filed therewith the High Court will be pleased to suspend the sentence imposed on the petitioner's namely Vattepu Naresh S/o Venkataiah, learned Principal Special Court for EC and NDPS Act, Cases, Madurai by its Judgment in C.C.No.366 of 2018, dated 23.10.2019 and enlarge the petitioner on bail.

Order : This petition coming on for orders upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.M.JEGADEESH PANDIAN, Advocate for the petitioner 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.366 of 2018, dated 23.10.2019 pending disposal of the criminal appeal.

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

3.The learned counsel appearing for the petitioner further submitted that the trial court had failed to note that the document, which was prepared in the occurrence spot, is computer typed, whereas rest of the documents are manually prepared, which shows



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 that the petitioner is an innocent person and he was falsely implicated in this case and he is the only bread winner of the family 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 petitioner is in jail since 23.10.2019 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 petitioner and there are enough materials available on record against the petitioner 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 petitioner 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 petitioner is in jail since 23.10.2019 and as such, this court is of the considered view that the petitioner herein is 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 petitioner is directed to be enlarged on bail on condition that he shall execute a bond for a sum of Rs.10,00,000/- (Rupees Ten Lakhs only) with two sureties each, who are residents of Mothkur Village, Yadadri District, State of Telangana, 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 petitioner shall stay in Madurai and 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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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE PRINCIPAL SPECIAL JUDGE FOR E.C 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. C.C. to M/S.M.JEGADEESH PANDIAN Advocate SR.No.4613

ORDER

IN

CRL MP(MD) No.11155 of 2019

IN

CRL A(MD) No.600 of 2019

Date :02/03/2020

MS/PN/SAR-4/03.03.2020/3P.7C