



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

Tuesday, the Thirteenth day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

**CRL MP(MD) No.2000 of 2021
in
CRL A(MD)No.117 of 2021**

1 SAJAN NATH
2 SURESH CHAND BALAI

... PETITIONERS/APPELLANTS/
ACCUSED Nos.1 AND 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
NIB-CID, DINDIGUL,
CRIME No. 107/2018.

... RESPONDENT/RESPONDENT/
COMPLAINANT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed on the Petitioners / appellants/accused No. 1 and 2 namely Sajan Nath S/o. Thannanaji, Suresh Chand Balai S/o. Nanuram Passed by the Learned I Additional Special Court for NDPS Act Cases Madurai in C.C.No.90 of 2019 dated 16.02.2021 and enlarge us on bail, pending disposal of the Criminal Appeal.

Prayer in CRL A(MD)No.117 of 2021:

To call for the records in C.C.No.90 of 2019 dated 16.02.2021 on the file of the Learned I Additional Special Court for EC and NDPS Act cases, Madurai and set aside the same.

Order : This petition coming up for orders on this day, 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.RMS.SETHURAMAN, Counsel for State(Crl. Side)on behalf of the Respondent, the Court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the I Additional Special Court for EC and NDPS Act Cases, Madurai, in CC No.90 of 2019, dated 16.02.2021 pending disposal of the main criminal appeal.



2. According to the prosecution, on 04.09.2018 at 11.30 hours, near Chempatti Roundana on Dindigul-Batlagundu Road, both accused came in a Car RJ-06-CA-6276 with possession of two gunny bags weighing each 25 kgs of ganja, totally 50 kgs.

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3. The trial court, after proper appreciation of the entire materials available on record, both oral and documentary found the petitioners/A1 and A2 guilty for the offence under section 8(c) r/w 20(b)(ii)(C) of NDPS Act r/w 34 IPC, both accused convicted and sentenced them to undergo 10 years of Rigorous Imprisonment each and to pay a fine of Rs.1,00,000/-, in default to undergo 6 months Simple Imprisonment. Aggrieved by the judgment of the trial court, the appellants/A1 and A2 are before this court. Along with appeal, this petition has been filed seeking suspension of sentence.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are in judicial custody from 16.02.2021.

5. The learned Standing counsel appearing for the respondent/State submitted that the petitioners have involved in serious crime, that too against the society and large scale of ganja has been recovered from the accused persons and if the petitioners are let out on bail, they would escape from the clutches of law and prays for dismissal of the suspension petition.

6. Considering the facts and circumstance of the case and also considering the fact that seized contraband is more than the commercial quantity and the offence is serious in nature, this court is not inclined to grant suspension of sentence.

7. In fine, this Criminal Miscellaneous Petition is dismissed.

sd/-
13/07/2021

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/ /2021

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

Note:- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but ensuring that the copy of the order that is presented is the correct copy shall be the responsibility of the advocate/litigant concerned.



TO

1.THE I ADDITIONAL SPECIAL JUDGE FOR EC AND NDPS ACT CASES,
MADURAI.

2.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3.THE INSPECTOR OF POLICE,
NIB -CID, DINDIGUL.

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

ORDER

IN

CRL MP(MD) No.2000 of 2021

in

CRL A(MD)No.117 of 2021

Date :13/07/2021

er

AE/VR/SAR-III/15.07.2021/3P/5C