



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

Friday, the Second day of July Two Thousand and Twenty One

PRESENT

The Hon`ble Mrs.Justice T.KRISHNAVALLI

Crl.MP(MD)No.2776 of 2021
in
Crl.A(MD)No.172 of 2021

P.MURUGAN @ POLIMURUGAN

... PETITIONER/APPELLANT/ACCUSED

Vs

STATE REP BY
THE INSPECTOR OF POLICE
NIB-CID., THENI,
CRIME NO.101 of 2019

... RESPONDENT/RESPONDENT

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 by the I Additional District Judge for NDPS Act cases, Madurai passed in C.C.No.429 of 2019 dated 12/03/2021 and enlarge the petitioner on bail pending disposal of the Crl.A(MD)No.172 of 2021.

PRAYER IN Crl.A(MD)No.172 of 2021:

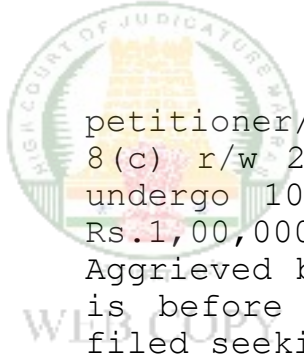
To call for the record and allow the Appeal and set aside the conviction and sentence passed by judgment dated 12.03.2021 in C.C. No.429 of 2019 of the Learned I Additional Special Judge for NDPS Act Cases at Madurai and acquit the Appellant herein of all the charges.

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.CHANDRASEKAR.P., Advocate for the petitioner and of MR.RMS.SETHURAMAN, Counsel for State Government 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.429 of 2019, dated 12.03.2021 pending disposal of the main criminal appeal.

2.According to the prosecution, the petitioner was in possession of 24 kgs of ganja.

3.The trial court, after proper appreciation of the entire materials available on record, both oral and documentary found the



petitioner/accused guilty for the offence under section 8(c) r/w 20(b)(ii)(C) of NDPS Act, convicted and sentenced him to undergo 10 years of Rigorous Imprisonment 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 appellant/accused is before this court. Along with appeal, this petition has been filed seeking suspension of sentence.

4.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been in judicial custody from 12.03.2021.

5.The learned Standing Counsel appearing for the State/respondent submitted that the investigation is almost over and the petitioner is having previous cases of similar nature.

6.Considering the facts and circumstance of the case and also considering the fact that the petitioner was having 5 previous antecedents and out of which, he was convicted in 3 cases, this court is not inclined to grant suspension of sentence.

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

Sd/-
02/07/2021

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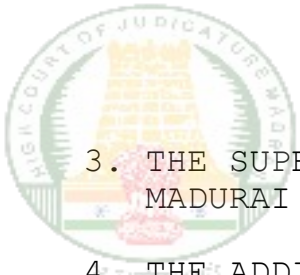
/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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 DISTRICT JUDGE
I ADDITIONAL SPECIAL COURT FOR NDPS ACT CASES,
MADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>
2. THE INSPECTOR OF POLICE
NIB-CID., THENI.



3. THE SUPERINTENDENT CENTRAL PRISON,
MADURAI

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

WEB COPY

ORDER

IN

CrI.MP (MD) No.2776 of 2021

in

CrI.A (MD) No.172 of 2021

Date : 02/07/2021

VB/AKM/SAR.I/15.07.2021/3P/5C