



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Thirty First day of January Two Thousand Twenty Two

WEB COPY

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL MISCELLANEOUS PETITION No.913 of 2022

IN

CRL.A.No.457 of 2020

ARUN DIWAKAR

[PETITIONER / APPELLANT / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
T15,SRMC POLICE STATION,
PORUR, CHENNAI.

[RESPONDENT / COMPLAINANT]

Petition praying that in the circumstances stated therein the High Court will be pleased to suspend the sentence imposed on the petitioner in the judgment dated 08.10.2020 in C.C.No.77 of 2019 passed by the Court of the Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS act, Chennai wherein the Appellant/A3 found guilty for the offence u/s.8(c) r/w 29(1) of the NDPS Act sentenced to undergo 10 years R.I and to pay a fine of Rs.1,00,000/- and I/D. further undergo R.I for a period of one year. for the offence U/s.8(c) r/w 22(c) of the NDPS Act sentences to undergo 10 years R.I and to pay a fine of Rs.1,00,000/- I/D further undergo R.I. for a period of one year. For the offence u/s.8(c) r/w 28 of the NDPS Act Sentences to undergo 10 years R.I. and to pay fine of Rs.1,00,000/- and id further undergo R.I. For a period of one year. The above sentence imposed against the appellant/A3 from 17.12.2018 to 10.04.2019 during investigation and trial shall be set off against the sentence of imprisonment imposed on him as per section 428 of Cr.P.C and enlarge the petitioner pending disposal of Crl.A.No.457 of 2020.

Order: This petition coming on for orders upon perusing the petition and upon hearing the arguments of M/S.G.VINODH KUMAR, Advocate for the Petitioner and of M/S.L.A.SELVAM, Govt. Advocate (Crl. Side) on behalf of the Respondent the court made the following order:-



This Criminal Miscellaneous Petition has been filed by the petitioner/Accused, seeking suspension of sentence of imprisonment imposed on the petitioner in the judgment dated 08.10.2020 in C.C.No.77 of 2019 by the Special Judge, I Additional Special Court for Exclusive trial of cases under NDPS Act, Chennai, pending disposal of the appeal.

2. Learned Counsel appearing for the petitioner would submit that the petitioner is the third accused and he was found guilty for the offences under Section 8 (c) read with 29(1), 8(c) r/w 22(c) and 8(c) r/w 28 of NDPS Act by the judgment of the trial court dated 08.10.2020 in C.C.No.77 of 2019. He would further submit that the petitioner is in detention for the past one year and four months and thereby he would seek for suspension of sentence.

3.Mr.S.Sugendran, learned Government Advocate (crl side) would submit that this is the second application for suspension of sentence. Earlier, the petitioner had filed Crl.M.P.No.7011 of 2020 and this court by order dated 21.12.2020, while dismissing the earlier application had stated that the issues raised by the petitioner has to be decided only during the hearing of the appeals. He would further submit that there is no change of circumstances and would pray for dismissal of this petition. There are two other co-accused in this case.

4. Considering the above facts and submissions made, this petition for suspension of sentence is dismissed.

5.Registry is directed to prepare the typedset of papers and list the appeals at an early date for disposal.

-sd/-
31/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.



TO

1 THE SPECIAL JUDGE,
I ADDITIONAL SPECIAL COURT FOR
EXCLUSIVE TRIAL OF CASES UNDER NDPS ACT,
CHENNAI.

2 THE INSPECTOR OF POLICE,
T15, SRMC POLICE STATION,
PORUR, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

COPY TO

THE SECTION OFFICER,
CRIMINAL SECTION,
HIGH COURT, MADRAS.

+1 C.C. to M/S.S.SURESH Advocate on payment of necessary charges
SR.NO.1487

Order

in
CRL MP.913/2022
in
CRL.A.No.457/2020

Date :31/01/2022

From 7.2.2001 the Registry is issuing certified
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INBA~08/02/2022