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Crl.M.P.No.10445 of 2022 in Crl.R.C.No.239 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20..07..2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.M.P.No.10445 of 2022
in Crl.R.C.No.239 of 2022

Sivaraj,
Proprietor for M/s.Siva Medicines,
No.1A, Kailasanathar Kovil South Street,
Valangaiman, Thiruvavarur District.

... Petitioner

-Versus-

The State of Tamil Nadu,
Rep. By The Drug Inspector,
Mannarkudi Range I/c,
Office of the Assistant Director of Drugs Control,
Thanjavur Zone, No.2975, Gandhiji Road,
Thanjavur 613001.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 of the Code of Criminal Procedure praying to suspend the substantive sentence imposed on the petitioner by the learned Chief Judicial Magistrate, Thiruvavarur, by judgment dated 01.11.2019 in C.C.No.3 of 2018 and as confirmed by the learned Principal District and Sessions Judge, Thiruvavarur by judgment dated 29.11.2021 in Criminal Appeal No.1 of 2020 and enlarge the petitioner on bail pending disposal of the Criminal Revision Petition.

For Revision Petitioner : Mr.I.Abrar Mohamed Abdullah

For Respondent / State : Mr.S.Vinoth Kumar,
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition is filed seeking to suspend the substantive sentence imposed on the petitioner by the learned Chief Judicial Magistrate, Thiruvarur, by judgment dated 01.11.2019 in C.C.No.3 of 2018 and as confirmed by the learned Principal District and Sessions Judge, Thiruvarur by judgment dated 29.11.2021 in Criminal Revision No.1 of 2020 and enlarge the petitioner on bail pending disposal of the Criminal Revision Petition.

2. Heard both sides.

3. The petitioner was convicted by the trial court for offence under Sections 65(2) r/w 27(d) , 65(3) r/w 27(d) and 65(4)(3)(1) r/w 27(d) of The Drugs and Cosmetics Act and was sentenced to under go simple imprisonment for one year and to pay a fine of Rs.20,000/- for each offence in default of payment of fine to suffer simple imprisonment for a further period of three months each which was confirmed by the appellate court.

4. It is represented that the petitioner had surrendered before the trial court as of yesterday.

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5. Now, Considering the facts and circumstances of the case and the allegations and also the period of sentence imposed by the trial court being one year, I am of the view that this is a fit case for the grant of suspension of sentence and for the grant of bail pending disposal of the criminal revision petition on the following conditions:-

(a) the petitioner is ordered to be released on bail, on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Trial Court;

(b) the petitioner and the sureties shall affix their photographs and left thumb impressions in the surety bonds and the learned Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass books to ensure their identities;

(c) the petitioner shall appear before the Trial Court on the first working day of every English Calendar Month at 10.30 A.M until the disposal of the Criminal Revision and if he not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial



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Court.

WEB COPY This Criminal Miscellaneous Petition is ordered accordingly.

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Index : yes/no

Speaking order/Non-speaking order

kmk

To

- 1.The Principal District and Sessions Judge, Thiruvarur.
- 2.The Chief Judicial Magistrate, Thiruvarur.
- 3.The Superintendent of Central Prison, Trichy.
- 5.The Public Prosecutor, High Court, Madras.



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D.BHARATHA CHAKRAVARTHY. J.,

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