



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

Wednesday, the Twenty Third day of February Two Thousand and Twenty
Two

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL MP(MD) No.200 of 2020

IN

CRL A(MD) No.23 of 2020

VILSON GABRIEL

... PETITIONER/APPELLANT

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
NIBCID, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
CR.NO.34/2018

... 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 on the petiitoner by the learned 1st Additional Special Judge for NDPS Act Cases, Madurai in C.C.No.57 of 2019 by the judgement dated 19-11-2019 and enlarge the petitioner on bail pending disposal of the above appeal.

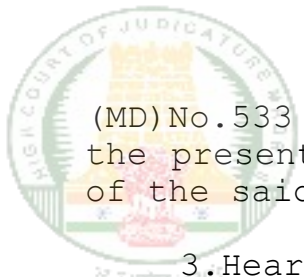
PRAYER IN CRL A(MD) NO.23 of 2020:

To allow this appeal and set aside the judgment dated 19.11.2019 passed in C.C.No.57 of 2019 on the file of the 1st Additional Special Court for NDPS Act Cases, Madurai.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.T.A.EBENEZER, Advocate for the petitioner and of MR.S.RAVI, ADDITIONAL PUBLIC PROSECUTOR on behalf of the Respondent the court made the following order:-

This petition has been filed to suspend the sentence imposed on the petitioner by the learned I-Additional Special Judge for NDPS Act Cases, Madurai in C.C.No.57 of 2017, dated 19.11.2019.

2.The petitioner involved in a case in Crime No.34 of 2018 under Section 8 C r/w 20(b)(ii)(C) of NDPS Act r/w 34 of I.P.C and also under Section 29(1) of NDPS Act and the same was taken on file in C.C.No.57 of 2019 on the file of the learned I-Additional Special Court for NDPS Act Cases. The learned I-Additional Special Judge for NDPS Act Cases found the petitioner guilty under Section 8C r/w 20 (b)(ii)(C) of NDPS Act and sentenced to undergo 12 years rigorous imprisonment and also imposed a fine of Rs.1,00,000/- with a default sentence of 2 year rigorous imprisonment. Against the conviction and sentence, the petitioner filed an appeal before this Court in Crl.A



(MD)No.533 of 2021. Along with this appeal, the petitioner has filed the present application for suspension of sentence pending disposal of the said appeal.

3.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4.Since the petitioner was in possession of 466.40 kilograms of Charas along with other accused, this Court finds no ground to suspend the sentence imposed on the petitioner. Hence, this petition is dismissed.

sd/-
23/02/2022

/ TRUE COPY /

/ /2022
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 NDPS ACT CASES,
MADURAI.
- 2 THE DEPUTY SUPERINTENDENT OF POLICE,
NIBCID, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL MP(MD) No.200 of 2020
IN
CRL A(MD) No.23 of 2020
Date :23/02/2022

RS/VR/SAR.2(28.02.2022) 2P-5C