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Crl.M.P.No.357 of 2023 in Crl.A.No.32 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.M.P.No.357 of 2023

in

Crl.A.No.32 of 2023

1. Rajamani

2. Ayyappan

... petitioners

/vs/

The State, represented by its
Deputy Superintendent of Police,
NIB CID,
Villupuram District

.. Respondent

Prayer : Criminal Miscellaneous Petition filed under section 389 (1) of Cr.P.C., to suspend the sentence imposed by the order passed against the petitioners in Spl.Case No.20 of 2021 by the Special Court for trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram (FAC), dated 29.12.2022 and enlarge them on bail pending disposal of the criminal appeal.

For petitioners ... Mr. S.Saravanakumar

For Respondent Mr.C.E.Pratap, GA (crl.side)

ORDER

This Criminal Miscellaneous Petition has been preferred seeking to suspend the sentence imposed by the order passed against the petitioners in



Spl.Case No.20 of 2021 by the learned Special Court for trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram (FAC), dated 29.12.2022 and enlarge them on bail pending disposal of the criminal appeal.

2. The petitioners, who are A1 and A2 in Spl.Case No.20 of 2021 were convicted and sentenced by the trial court on 29.12.2022 as follows:

<i>petitioners' Rank</i>	<i>Provision under which convicted</i>	<i>Sentence</i>
A1 and A2	1)U/s.8(c) r/w.29(1) of NDPS Act	Each to undergo RI for one year and to pay a fine of Rs.10,000/- each, in default in payment of fine, each to undergo RI for 3 months.
	2)U/s.8(c) r/w. 20 (b) (ii)(B) of the NDPS Act	Each to undergo RI for one year and to pay a fine of Rs.10,000/- each, in default in payment of fine, each to undergo RI for 3 months.
The petitioners have paid the entire fine amount		

3. Challenging the above conviction and sentence, the petitioners have preferred the present criminal appeal case along with the instant miscellaneous petition, seeking suspension of sentence and bail.

4. The learned counsel for the petitioners submitted that the judgment of the trial court is contrary to law, weight of evidence and probabilities of the case. He would further submit that there are arguable points in this



appeal and the petitioners have every chance to succeed in this Criminal appeal. The petitioners have been now confined under judicial custody and they have no previous bad antecedents. Thus, he prayed for suspension of sentence till the disposal of this Criminal appeal.

5. Heard the learned counsel for the petitioners and the learned Govt. Advocate (crl.side) appearing for the respondent and perused the materials available on record.

6. The petitioners have raised substantial grounds in the appeal which require detailed appraisal. Further, the appeal is not likely to be taken up in the near future. In such view of the matter, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence and bail.

7. Accordingly, the relief of suspension of sentence and bail is granted to the petitioners on the following conditions:

- (i) The petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) each, along with two sureties, each for a like sum, to the satisfaction of of Judicial Magistrate No.I, Ulundurpet.



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- (ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the trial Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;
- (iii) The petitioners shall appear before the trial Court as and when required.

10.01.2023

msr

To

1. The Judicial Magistrate No.I, Ulundurpet.
2. The Special Judge, Special Court for trial of NDPS Cases, Villupuram (FAC),
3. The Superintendent, Central Prison, Cuddalore.
4. The Deputy Superintendent of Police, NIB CID, Villupuram District
5. The Public Prosecutor, High Court, Madras.

V.SIVAGNANAM, J.



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