



Crl.MP No.2108 of 2023
Crl.A.No.146 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.M.P.No.2108 of 2023

in

Crl.A.No.146 of 2023

Parithosh Sarkar

... Petitioner

Vs.

The State,
Inspector of Police.,
NIB – CID Vellore Police Station,
Vellore District.

Crime No.11 of 2018

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) of Criminal Procedure Code to suspend the sentence passed in C.C.No.27 of 2018 dated 30.03.2021 on the file of the learned Special Judge for EC/ NDPS Act cases, Salem. Special Judge for EC/ NDPS Act cases (FAC) and enlarge the petitioner on bail pending disposal of the aforesaid appeal.

For Petitioner : Mr.S.Silambu Selvan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in C.C.No.27 of 2018 dated 30.03.2021 on the file of the learned Special Judge for EC/ NDPS Act cases, Salem. Special Judge for EC/ NDPS Act cases (FAC) and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

2.The learned counsel for the petitioner submitted that the respondent police prosecuted the petitioner/ accused for having committed the offence punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act. The Trial Court took cognizance of the case and filed the final report in C.C.No.27 of 2018 on the file of the learned Special Judge for EC/ NDPS Act cases, Salem.

3.After the trial, he was committed for the offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act and sentenced him to undergo Rigorous Imprisonment for 7 years and imposed a fine of Rs.50,000/- in default to pay



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4.Challenging the judgment of conviction and sentence, the petitioner preferred the present Criminal Appeal along with the instant petition, seeking to suspend the sentence of imprisonment.

5.When the matter was taken up, the learned Govt. Advocate (crl.side) appearing for the respondent submitted that the appellant/ accused is a native of Orrisa and therefore, objected to grant bail to the appellant.

6.I have considered the submissions made on both side and perused the materials available on record.

7.On perusal of the records and the judgment, it is seen that the respondent/ police registered a case against the petitioner in Cr.No.11 of 2018. After investigation filed a final report before the Trial Court took the case on file in C.C.No.27 of 2018 on the file of the learned Special Judge for

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EC/ NDPS Act cases, Salem. After trial, the learned Special Judge for EC/ NDPS Act cases (FAC) found the petitioner guilty for the offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act and convicted and sentenced him to undergo Rigorous Imprisonment for 7 years and imposed a fine of Rs.50,000/- in default of payment of fine one more year Rigorous Imprisonment.

8.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner has no other previous antecedent case of similar in nature and not committed any other previous offence.

9.Considering the offence and sentence imposed on the petitioner and the submission made by the learned counsel for the petitioner, there is an argued case in favour of the petitioner/ accused and also having been noticed the fact that the petitioner is a native of Orrisa State, this Court is inclined to grant bail to the appellant till the disposal of the Criminal Appeal on the following conditions.



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(i) The petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) along with two sureties, each for a like sum, to the satisfaction of the Special Judge for EC/ NDPS Act cases, Salem.

(ii)The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bonds and the above said Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

(iii)The petitioner shall appear before the Special Judge for EC/ NDPS Act cases, Salem as and when required.

11. The Criminal Miscellaneous Petition is ordered accordingly.

24.02.2023



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To

- 1.The Special Judge for EC/ NDPS Act cases, Salem,
2. The Superintendent, Central Prison,
Coimbatore.
3. State rep. by : Inspector of Police,
NIB – CID Vellore Police Station,
Vellore District.
Crime No.11 of 2018
4. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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