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Crl.M.P.No.1007 of 2023 in Crl.A.No.83 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.1007 of 2023

in

Crl.A.No.83 of 2023

1.Yuvaraja

2.Prakash

... Petitioners

Vs.

State Rep. by

The Inspector of Police,

NIB CID,

Chennai

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 397(1) of Cr.P.C. to suspend the sentence imposed on the petitioner by judgment dated 03.01.2023 passed in C.C.No.81 of 2020 on the file of the I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and enlarge the petitioner on bail pending disposal of this Criminal Appeal.

For Petitioners

: Mr.K.Thenrajan



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

ORDER

The petitioners, who are the A3 and A4 in C.C.No. 81 of 2020 on the file the Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai, seek suspension of their sentence of imprisonment.

2. The Trial Court, vide its judgment dated 03.01.2023, acquitted A1 to A4 for the offence under Sections, 8(c) r/w.27A, 8(c) r/w.29(1) of the NDPS Act. However convicted and sentenced them as under:

Rank of the accused	Conviction under Section	Sentence
A1 & A2	8(c) r/w.20(b)(ii)(C) of the NDPS Act	Each of the accused shall undergo Rigorous Imprisonment for 10 years and to pay a fine of Rs.1,00,000/-, in default, to undergo Rigorous Imprisonment for 6 months.
A3 & A4	8(c)	Each of the accused shall undergo



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Rank of the accused	Conviction under Section	Sentence
	r/w.20(b)(ii)(B) of the NDPS Act	Rigorous Imprisonment for 3 years and to pay a fine of Rs.25,000/-, in default, to undergo Rigorous Imprisonment for 3 months.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioners/A3 and A4 are before this Court.

4. The learned counsel for the petitioners submitted that there are arguable points in this Appeal. He further submitted that the petitioners are under custody and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate (Crl. side) appearing for the respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsels appearing on both sides, this Court finds that the petitioners have substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioners are



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entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that the petitioners *shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned I Additional NDPS Court, Chennai.*

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioners shall appear before the Trial Court, as and when required.

02.02.2023

rpl
To



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1. The I Additional NDPS Court, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
NIB CID,
Chennai
4. The Public Prosecutor,
High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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