



Crl.MP No.2334 of 2023 in
Crl.A.No.959 of 2022

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DATED: 01.03.2023

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.MP No.2334 of 2023 in
Crl.A. No.959 of 2022

1. Ravichandran @ Powder Ravi

2. Chinnadurai

... Petitioners

Vs.

State Rep. by the Inspector of Police,
H-1 Washermenpet Police Station,
Chennai.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence of imprisonment imposed on the petitioners in C.C.No.38/2021 on the file of Principal Special Judge, Court under EC & NDPS Act Cases at Chennai and enlarge the petitioners on bail pending Criminal Appeal.

For Petitioners : Mr.T.S.Srinivasan

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



Crl.MP No.2334 of 2023 in
Crl.A.No.959 of 2022

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ORDER

This petition has been filed to suspend the sentence imposed on the petitioners by the learned Principal Special Judge, Principal Special Court under EC & NDPS Act Cases, vide judgement dated 04.07.2022 passed in C.C.No.38/2021 and enlarge the petitioners on bail pending Criminal Appeal.

2. Totally there are three accused in C.C.No.38/2021 and the petitioners herein are A1 and A2. The learned Trial Judge, vide judgment dated 04.07.2022 passed in C.C.No.38/2021, convicted and sentenced the accused persons/A1 to A3, as extracted hereunder.

<i>Rank of accused</i>	<i>Proved charges</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default of payment</i>
A1	U/s 8(c) r/w 20(b)(ii)(C) of NDPS Act	12 years	Rs.1,50,000	6 months
A2	U/s 8(c) r/w 20(b)(ii)(C) of NDPS Act	12 years	Rs.1,50,000	6 months
A3	U/s 8(c) r/w 20(b)(ii)(C) of NDPS Act	12 years	Rs.1,50,000	6 months
A1	U/s 29(1) of the NDPS	7 years	Rs.50,000	6 months



Crl.MP No.2334 of 2023 in
Crl.A.No.959 of 2022

WEB COPY

<i>Rank of accused</i>	<i>Proved charges</i>	<i>Imprisonment</i>	<i>Fine</i>	<i>In default of payment</i>
	Act			
A2	U/s 29(1) of the NDPS Act	7 years	Rs.50,000	6 months
A3	U/s 29(1) of the NDPS Act	7 years	Rs.50,000	6 months
The above sentence of imprisonments were ordered to run concurrently.				

3. Aggrieved by the judgment of conviction passed by the Trial Court, the petitioners/A1 and A2 filed the present Criminal Appeal along with the instant petition, seeking to suspend the sentence of imprisonment.

4. The learned counsel for the petitioner submitted that, as far as the second petitioner/A2, namely Chinnadurai is concerned, he seeks permission of this court to withdraw the petition and to that effect, he has also made an endorsement.

6. As far as the first petitioner/A1, namely Ravichandran @ Power



Crl.MP No.2334 of 2023 in
Crl.A.No.959 of 2022

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Ravi is concerned, the learned counsel for the petitioners submitted that the first petitioner is a diabetic patient and due to diabetic wound, he was admitted in Government Stanley Medical College and Hospital and his right leg great toe was amputated and now, he is under further treatment for diabetic and regular dressing. He further submitted that, there are arguable points in this Criminal Appeal and the first petitioner is in judicial custody from 04.07.2022 and hence, considering his medical history and health condition, suspension of sentence may be granted to him.

7. The learned Government Advocate (Crl.Side) appearing for the respondent filed a counter affidavit and submitted that the first petitioner/A1 namely, Ravichandiran @ Powder Ravi is having 62 previous cases, including one murder case and he is a History Sheeted Rowdy, having H.S.No.1/1994 "A" Category. He further submitted that, the first petitioner was treated for his illness and his right leg great toe was amputated due to diabetic wound and the Assistant Professor, Department of General Medicine/Surgery (Convict Ward), Government Stanley Hospital



Crl.MP No.2334 of 2023 in
Crl.A.No.959 of 2022

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has also issued the case record pertaining to the treatment given to him. He also placed the above said case record before this Court.

8. The learned Government Advocate further submitted that, as far as the second petitioner/A2, namely Chinnadurai is concerned, he is having one previous case, similar nature of offence under NDPS Act and if he is released on bail, he may involve in similar type of offence and hence, he opposed to grant suspension of sentence to him. However, as far as the first petitioner/A1 namely, Ravichandran @ Powder Ravi is concerned, considering his health condition, he has not raised any objection to grant suspension of sentence.

9. Heard the learned counsel for the petitioners and the learned Government Advocate(Crl. side) appearing for the respondent and perused the Counter affidavit, Medical Case records, Medical treatments given to the first petitioner.

10. Taking into consideration of the above submission of the learned



Crl.MP No.2334 of 2023 in
Crl.A.No.959 of 2022

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counsel appearing on both sides, and also considering the Medical reports and the treatments given to the first petitioner and also considering the health condition of the first petitioner, this Court is inclined to grant suspension of sentence to the first petitioner/A1 namely Ravichandran @ Powder Ravi.

11. Accordingly, it is ordered as follows.

(i) As far as the first petitioner/A1 namely Ravichandran @ Powder Ravi is concerned, the substantive sentence of imprisonment alone is suspended and he is directed to be enlarged on bail on condition that he ***shall execute 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 learned Principal Special Judge, Principal Special Court under EC & NDPS Act Cases, Chennai.***

(ii) The first petitioner/A1 namely Ravichandran @ Powder Ravi and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned Court may obtain a copy of their Aadhar

6 of 8



Crl.MP No.2334 of 2023 in
Crl.A.No.959 of 2022

card or Bank pass Book to ensure their identity.

(iii) The first petitioner/A1 namely Ravichandran @ Powder Ravi shall appear before the Trial Court, as and when required.

12. As far as the second petitioner/A2, namely Chinnadurai is concerned, recording the submission and the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn.

01.03.2023
(1/2)

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To

1. The Principal Special Judge, Principal Special Court
under EC & NDPS Act Cases, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.
3. The Public Prosecutor, High Court of Madras, Chennai.
4. The Inspector of Police, H-1, Washermenpet Police Station,
Chennai.



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Crl.MP No.2334 of 2023 in
Crl.A.No.959 of 2022

V.SIVAGNANAM, J.,

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Crl.M.P.No.2334 of 2023
in
Crl.A.No.959 of 2022

01.03.2023

(1/2)