



WEB COPY



Crl MP No.6809 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.05.2023

CORAM

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.M.P.No. 6809 of 2023

in

Crl.A.No. 548 of 2023

Muniyappan

...Petitioners

Versus

State represented by
The Inspector of Police,
N.I.B. - C.I.D, Villupuram District.
(Crime No.2 of 2021)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1), to suspend the sentence imposed on the petitioner in Spl.Case No.06 of 2021 by the learned Special Judge, Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act, Villupuram District by a judgment dated 20.04.2023 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.P.Vajravelu

**For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor**



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/accused, seeking to suspend the sentence imposed on him in Spl.Case No.06 of 2021 by the learned Special Judge, Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act, Villupuram District by a judgment dated 20.04.2023 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2. The petitioner herein is a sole accused in Spl.Case.No.06 of 2021 on the file of the learned Special Judge, Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act, Villupuram District. He was convicted of the offence under Section 8(c) r/w. 20(b)(ii)(B) of the NDPS Act, 1985 and was sentenced to undergo two years of rigorous imprisonment and to pay a fine of Rs.10,000/- in default to undergo three months Simple Imprisonment. Aggrieved over the same, the petitioner has filed the present criminal appeal.



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3. According to the learned counsel appearing for the petitioner, there are arguable points available in the Criminal Appeal, which is not likely to be taken for final hearing in the near future and the petitioner/appellant has got a fair chance of succeeding in the Criminal Appeal and the sentence imposed against the petitioner/appellant may be suspended and he may be enlarged on bail.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Considering the facts and circumstances of the case and the submissions of the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and further this appeal is not likely to be taken for final hearing in the near



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future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are granted on the following conditions:

(a) The petitioner/appellant shall execute a 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 Special Court for Trial of Narcotic Drugs and Psychotropic Substance Act Cases, Villupuram.

(b) The petitioner/appellant shall appear before the trial Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

6. Accordingly, this Criminal Miscellaneous Petition is ordered.

10.05.2023

kkn/shr

Internet: Yes/No



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To

- 1.The Special Court for Trial of Narcotic Drugs and Psychotropic
Substance Act Cases,
Villupuram District.
- 2.The Inspector of Police,
N.I.B. - C.I.D,
Villupuram District.
- 3.The Superintendent,
Central Prison,
Cuddalore.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai



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SUNDER MOHAN, J

KKN/SHR

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