



Crl.M.P.No.7168 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HON'BLE MR. JUSTICE **A.A.NAKKIRAN**

Crl.M.P.No.7168 of 2023

in

Crl.A.No.558 of 2023

Murugan

... Petitioner/Appellant

Vs.

State of Tamil Nadu,
Represented by
The Inspector of Police,
NIB-CID, Villupuram
FIR No.40 of 2021,
Villupuram District.

... Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., pleaded to suspend the sentence passed by the learned Judge, Special Court for Trial of Narcotic Drugs and Psychotropic Substance Act Cases, Villupuram in Special Case No.25 of 2021 dated 27.04.2023 and enlarge the petitioner on bail pending the disposal of the above Criminal Appeal.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner/appellant, seeking suspension of sentence, imposed by the learned Special Judge for Trial of Narcotic Drugs and Psychotropic Substance Act Cases, Villupuram, vide judgment in Special Case No.25 of 2021 dated 27.04.2023.

2. The conviction and sentence imposed against the petitioner/appellant is as follows:-

<i>Under Section</i>	<i>Sentence</i>
8(c) read with Section 20(b)(ii) (B) of the Narcotic Drugs and Psychotropic Substances Act	two years of rigorous imprisonment with a fine of Rs.10,000/- in default to undergo three months simple imprisonment.

3. According to the learned counsel for the petitioner/appellant, 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 hence, the sentence imposed against the petitioner/appellant may be suspended and the petitioner/appellant may be enlarged with bail.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent submitted that the prosecution has proved the case beyond reasonable doubts and the trial Court on finding the petitioner/appellant guilty, convicted him as stated above. Therefore, he vehemently opposed for grant of suspension of sentence.

5. Heard the learned counsel for the petitioner/appellant and Government Advocate (Criminal Side) appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also considering the submissions of the learned counsel for the petitioner/appellant, this Court is of the view that the sentence of imprisonment can be suspended on certain conditions. Accordingly, till the disposal of the Criminal Appeal, suspension of sentence and bail are granted, on the following conditions :-

- i. The petitioner/appellant shall execute bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only), with two sureties, each for a like sum to the satisfaction of the learned Special Judge for Trial of



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Narcotic Drugs and Psychotropic Substance Act
Cases, Villupuram.

- ii. 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.

7. The Criminal Miscellaneous Petition is ordered accordingly.

18.05.2023

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To

1. The Special Judge for Trial of Narcotic Drugs and Psychotropic Substance Act Cases, Villupuram.
2. The Inspector of Police,
NIB-CID, Villupuram,
Villupuram District.
3. The Public Prosecutor,
High Court of Madras.



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A.A.NAKKIRAN, J.

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