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Crl.M.P.No.10328 of 2
in Crl.A.No.755 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R.HEMALATHA**

Crl.M.P.No.10328 of 2023 in
Crl.A.No.755 of 2023

1. Raja Anand
2. Hariharan
...Petitioners

Vs.

The State Represented by,
the Inspector of Police,
NIB CID, Chennai.
(Crime No.86/2019)

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) Cr.P.C. praying to suspend the sentence imposed on the petitioners by the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in C.C.No.195 of 2022, dated 07.07.2023 and enlarge the petitioners on bail.

For Petitioner : Mr.T.S.Srinivasan

For Respondent : Mr.S.Sugendran,
Additional Public Prosecutor

ORDER

This Criminal miscellaneous petition is filed seeking suspension of sentence imposed by the learned Special Judge, I Additional Special Court for



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Exclusive Trial of Cases under NDPS Act, Chennai in C.C.No.195 of 2022 on
07.07.2023.

2. The petitioners are the accused in C.C.No.195 of 2022 on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and they were convicted and sentenced on 07.07.2023 as under:

S. No.	Accused	Provision under which convicted	Sentence
1	1st petitioner/ A1	Section 8 (c) r/w. 22 (b) of NDPS Act	Rigorous imprisonment for two years and to pay a fine of Rs.25,000/- and in default to undergo Rigorous imprisonment for three months.
2	2nd petitioner/ A2	Section 8 (c) r/w. 22 (b) of NDPS Act	Rigorous imprisonment for two years and to pay a fine of Rs.25,000/- and in default to undergo Rigorous imprisonment for three months.

3. Heard Mr.T.S.Srinivasan, the learned counsel for the petitioners and Mr.S.Sugendran, learned Additional Public Prosecutor appearing for the respondent.

4. The learned counsel for the petitioners contended that there are



arguable points in the Criminal Appeal and hence, he prayed for suspension of sentence.

5. The learned Additional Public Prosecutor did not raise any serious objection for granting suspension of sentence to the petitioners/accused.

6. Considering the submissions made by the learned counsel appearing on either side, this criminal miscellaneous petition is allowed and the sentence imposed on the petitioners is suspended and bail is granted to the petitioners, however, subject to the following conditions:

- i. The petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five thousand only) each, with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai;
- ii. the sureties shall affix their photographs and Left Thumb Impression on the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity; and
- iii. The petitioners shall appear before the trial court everyday at 10.30 a.m. for a period of four weeks and thereafter, the petitioners shall appear before the trial Court on the first



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working day of every month at 10.30 a.m. until the disposal of the Criminal Appeal and if they are not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of their absence, as directed by the trial Court.

09.08.2023

(2/2)

vum
To

- 1.The Special Judge,
I Additional Special Court for
Exclusive Trial of Cases under
NDPS Act, Chennai.
2. The Central Prison, Puzhal, Chennai.

R.HEMALATHA, J.



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