



WEB COPY



Crl.M.P.No.13654 of 2023
in Crl.A.No.948 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

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

Crl.M.P.No.13654 of 2023 in
Crl.A.No.948 of 2023

1. Kamlesh Kumar Singh
2. Ganapathi Lal

...Petitioners

Vs.

The State Represented by
the Inspector of Police,
NIB CID, Chennai.

...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 I Additional Special Judge, Special Court for Exclusive Trial of Cases under NDPS Act, Chennai in C.C.No.190 of 2019, dated 25.07.2023 and enlarge the petitioners on bail.

For Petitioner : Mr.C.V.Kumar

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



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for Exclusive Trial of Cases under NDPS Act, Chennai in C.C.No.190 of 2019 on 25.07.2023.

2. The petitioners are the accused in C.C.No.190 of 2019 on the file of the learned I Additional Special Judge, Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and they were convicted and sentenced on 25.07.2023 as under:

S. No.	Accused	Provision under which convicted	Sentence
1	1st petitioner/ A1	Section 8 (c) r/w. 21(b) of NDPS Act	Rigorous imprisonment for two years and to pay a fine of Rs.20,000/- and in default to undergo Rigorous imprisonment for three months.
		Section 8(c) r/w. 22(b) of NDPS Act	Rigorous imprisonment for two years and to pay a fine of Rs.20,000/- 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.20,000/- and in default to undergo Rigorous imprisonment for three months.
		Section 8 (c) r/w. 20(b)(ii)(A) of NDPS Act (2 counts)	Rigorous imprisonment for six months and to pay a fine of Rs.5,000/- and in default to undergo Rigorous imprisonment for one month.



3. Heard Mr.C.V.Kumar, 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 respondent/police 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 working day of every month at 10.30 a.m. until the disposal of the 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 his absence, as directed by the trial Court.

05.09.2023

(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.



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R.HEMALATHA, J.

vum

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