



*Crl.M.P.No.19829 of 2022 in
Crl.A.No.1307 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.M.P.No.19829 of 2022 in
Crl.A.No.1307 of 2022**

1. Suresh

2. Ramu

... Petitioners

Vs.

State, rep. by Inspector of Police,
J-11, Kannagi Nagar Police Station,
Chennai 600 097.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(3) of Criminal Procedure Code, pleaded to suspend the sentence of imprisonment in C.C.No.94/2019 by judgment dated 05.09.2022 pending on the file of the Principal Judge, Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and enlarge petitioner on bail, pending disposal of the Criminal appeal.

For Petitioners

: Mr.V.K.Sathiamurthy

For Respondent

: Mr.C.E.Pratap,
Government Advocate (Crl. Side)



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ORDER

This petition has been filed to suspend the sentence imposed on the petitioners by the Trial Court in C.C.No.94/2019, vide judgment dated 05.09.2022, pending disposal of the Criminal Appeal.

2. The learned Principal Special Judge, Special Court under EC & NDPS Act, by judgment dated 05.09.2022 in C.C.No.94/2019, convicted the petitioners for the offence under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act and sentenced them to undergo 5 Years Rigorous Imprisonment each and to pay a fine of Rs.10,000/- each, in default to undergo 6 months Rigorous Imprisonment each.

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioners are before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Criminal Appeal. He further submitted that the petitioners are in custody from the year 2018 and hence, prayed for suspension of sentence.

5. Heard the learned Government Advocate(Crl. side) appearing for the



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respondent and perused the impugned judgment and the materials on record.

6. Taking into consideration of the above submission of the learned counsels appearing on both sides and also considering the fact that the petitioner are in custody from the year 2018, this Court finds that the petitioners have substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioners are entitled to the relief of suspension of sentence.

7. Accordingly, it is ordered as follows.

(i) The substantive sentence of imprisonment alone is suspended and the petitioners are directed to be enlarged on bail on condition that the petitioners ***shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge, Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.***

(ii) The petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a



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copy of their Aadhar card or Bank pass Book to ensure their identity.

(iii) The petitioners shall appear before the Trial Court, as and when required.

02.01.2023

(1/2)

Index: Yes/No
Internet: Yes/No
mst

To

1. The Principal Special Judge,
Special Court under EC & NDPS Act, Chennai.
2. The Superintendent, Central Prison, Puzhal, Chennai.
3. The Public Prosecutor, High Court, Madras.



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V.SIVAGNANAM, J.

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**02.01.2023
(1/2)**