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Crl.M.P.No.53 of 2023 in Crl.A.No.3 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HONOURABLE MR. JUSTICE **V.SIVAGNANAM**

Crl.M.P.No.53 of 2023

in

Crl.A.No.3 of 2023

Surya

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
N-4 Fishing Harbour Police Station,
Washermenpet,
Chennai District.
(Crime No.348 of 2018)

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence made in judgment in C.C.No.156 of 2018 dated 28.09.2022 by the learned Principal Special Court under EC & NDPS Act, Chennai and enlarge the petitioner on bail.

For Petitioner : Mr.S.N.Arunkumar

For Respondent : Mr.C.E.Pratap,
Govt. Advocate (Crl.Side)



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ORDER

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The petitioner, who is the accused in C.C.No.156 of 2018 on the file of the learned Principal Special Court under EC & NDPS Act, Chennai, seeks suspension of his sentence of imprisonment.

2. The Trial Court, by its judgment dated 28.09.2022, convicted the accused for the offence punishable under Sections 8(c) r/w.20(b)(ii)(B) of the NDPS Act, and sentenced him as under:

Conviction under Section	Sentence
8(c) r/w.20(b)(ii)(B) of the NDPS Act	Rigorous Imprisonment for 5 years with a fine of Rs.10,000/-, in default, to undergo Rigorous imprisonment for 6 months

3. Challenging the conviction and sentence slapped by the Trial Court, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that there are arguable points in this Appeal. He further submitted that the petitioner is under custody and hence, prayed for suspension of sentence.



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5. Heard the learned Government Advocate (Crl. side) appearing for the 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, this Court finds that the petitioner has substantial grounds in this Criminal Appeal, which require detailed appraisal. Therefore, this Court is of the view that the petitioner is 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 petitioner is directed to be enlarged on bail on condition that the petitioner ***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 Principal Special Court under EC & NDPS Act, Chennai.***

(ii) The petitioner and the sureties shall affix their photographs and



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Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

05.01.2023

rpl

To

1. The Principal Special Court under EC & NDPS Act, Chennai,
2. The Superintendent, Central Prison, Puzhal, Chennai.
3. The Inspector of Police,
N-4 Fishing Harbour Police Station,
Washermenpet,
Chennai District.
4. The Public Prosecutor, High Court of Madras, Chennai.



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V.SIVAGNANAM, J.,

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