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*Crl.M.P.No.19661 of 2022 in
Crl.A.No.1298 of 2022*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 27.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

**Crl.MP No.19661 of 2022 in
Crl.A.No.1298 of 2022**

Lakshmanan

... Petitioner

Vs.

State rep by: the Inspector of Police,
NIBCID, Kancheepuram,
Chennai.
(Crime No.38/2019

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 389(1) r/w 439 Cr.P.C to suspend the sentence made in C.C.No.4/2020 dated 16.12.2022 on the file of the Principal Special Judge, Special Court under EC and NDPS Act, Chennai and enlarge the petitioner on bail pending Criminal Appeal.

For Petitioner : Mr.V.Sakkarapani

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 petitioner by the Trial Court in C.C.No.4/2020, vide order dated 16.12.2022, pending disposal of the Criminal Appeal.

2. The learned Principal Special Judge, Special Court under EC and NDPS Act, Chennai, vide judgment dated 16.12.2022 in C.C.No.4/2020, convicted and sentenced the petitioner, as extracted hereunder.

Conviction under Section	Sentence
Section 8(c) r/w 20(b)(ii)(B) of NDPS Act	5 years Rigorous imprisonment and to pay a fine of Rs.1,00,000/-

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 Criminal Appeal and the petitioner is in judicial custody and hence, prayed for suspension of sentence.

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



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

6. Considering submission made by the learned counsel 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge, Special Court under EC and NDPS Act, Chennai.***

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



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

27.01.2023

(1/2)

Index: Yes/No
Internet: Yes/No
mst

To

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



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V.SIVAGNANAM, J.

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27.01.2023

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