



WEB COPY



Crl.MP No.12 of 2023 in
Crl.A.No.437 of 2022

Crl.M.P.No.12 of 2023 in

Crl.A.No.437 of 2022

V.SIVAGNANAM, J.

This petition has been filed to suspend the sentence imposed on the petitioner in Spl.Case No.1 of 2019 by the Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act Cases, Villupuram, vide judgement dated 05.04.2022 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

2. The petitioner(A1) and one Singaram (A2) are the accused in Spl.Case No.1 of 2019. The Trial Court in its judgment dated 05.04.2022, found the petitioner guilty of the offence under Sections 8(c) r/w 20(b) (ii) (c) of NDPS Act and convicted and sentenced him to undergo 10 years rigorous imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo one year rigorous imprisonment. However, the Trial Court acquitted the petitioner(A1) from the offences under Sections 8(c) r/w 29(1) of NDPS Act; and also acquitted A2 from the offences under Sections 8(c) r/w 20(b)(ii)(c) and 29(1) of NDPS Act.

3. The learned counsel for the petitioner submitted that already the petition in Crl.M.P.No.5347/2022 was filed to suspend the sentence and it was dismissed by this



Crl.MP No.12 of 2023 in
Crl.A.No.437 of 2022

WEB COPY Court, vide order dated 05.07.2022. He further submitted that, petitioner is in custody from 05.04.2022 and he has suffered incarceration for more than 9 months and hence, he prayed to suspend the sentence imposed on the petitioner.

4. The learned Government Advocate (Crl.Side) opposed to grant suspension of sentence on the ground that the quantity of contraband involved in this case is a commercial quantity.

5. Considering the gravity of the offence, and also taking into account the fact that the quantity of contraband of involved in this case is commercial in nature, this Court is not inclined to grant suspension of sentence.

6. Accordingly, this petition is dismissed. Registry is directed to prepare the typed set of papers and post the main appeal, after four weeks.

04.01.2023

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