



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Eleventh day of January Two Thousand and Twenty Three
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL.M.P.(MD)No.15950 of 2022

in

CRL.A.(MD)No.816 of 2022

JEYARAMAN @ AETTU JEYARAMAN

... PETITIONER/APPELLANT

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
NIBCID, MADURAI,
IN CRIME NO.204/2015.

... RESPONDENT/RESPONDENT

Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed by the Additional District Judge/Principal Special Court for EC and NDPS Act Cases, Madurai passed in CC No.93/2016 dt.17.10.2022 and release the petitioner on bail till the pending disposal of the Criminal Appeal.

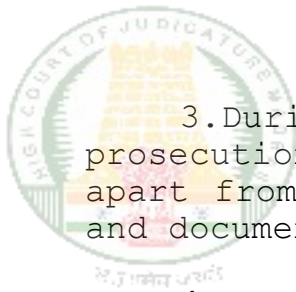
PRAYER IN CRL A(MD)No. 816 OF 2022:

To call for the records in C.C.NO. 93 of 2016 relating to the judgment dated 17.10.2022 passed by the Additional District Judge/Principal Special Court for EC & NDPS Act Cases, Madurai and to set aside the judgment of the conviction on the appellant/accused.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.MUNIYANDI S, Advocate for the petitioner and of MR.B.NAMBISELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the conviction and sentence imposed upon the petitioner in CC No.93 of 2016, dated 17/10/2022 by the Additional District Judge/Principal Special Court for EC & NDPS Act cases, Madurai and enlarge the petitioner on bail pending disposal of the criminal appeal.

2.The case of the prosecution is that on 26/10/2015 at about 04.30 pm, the accused was found in possession of 3.400 kgs of Ganja for the purpose of selling the same to the public. On the basis of the above occurrence, the case was registered and after completing the formalities of investigation, final report was filed for the offences punishable under section 8(c) r/w 20(b)(ii)(B) of NDPS Act.



3. During the course of the trial process, on the side of the prosecution, 4 witnesses were examined and 10 documents were marked, apart from 3 material objects. On the side of the accused, no oral and documentary evidence was adduced.

4. At the conclusion of the trial, trial court found that the charge under section 8(c) r/w 20(b)(ii)(B) of NDPS Act stands proved against the accused and accordingly, convicted and sentenced to undergo one year Rigorous Imprisonment and imposed a fine of Rs.10,000/-, in default to undergo one month Simple Imprisonment.

5. Now challenging the above said conviction and sentence, appeal has been preferred. Pending appeal, this petition has been preferred seeking suspension of sentence.

6. No doubt that the contraband involved is not of a commercial quantity.

7. The learned Additional Public Prosecutor would submit that the petitioner is having previous case and also convicted for similar offence.

8. Per contra, it is the contention on the part of the petitioner to the effect that no specific evidence was brought on record before the trial court. During the trial, no charge was also framed. It is submitted that it is usual for the police to register, foist cases against the petitioner. According to him, that may be taken into account for considering this petition.

9. I am afraid that whether such contention can be accepted, when this petitioner has committed the heinous offence. If the petitioner is released on bail, there is no guarantee that he will not commit similar or any other offence in future. So this is not the fittest case to enlarge the petitioner on bail by suspending the sentence. The petitioner can argue the main appeal itself.

10. In the result, this criminal miscellaneous petition fails and the same is **dismissed**. Since records have been called for from the trial court, the Registry is directed to prepare the typed set of papers and post the main appeal for hearing, on 13/02/2023.

sd/-

11/01/2023

/ TRUE COPY /

/01/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



ER
TO

- 1 THE ADDITIONAL DISTRICT JUDGE,
PRINCIPAL SPECIAL COURT FOR EC & NDPS ACT
CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
NIBCID, MADURAI.
- 3 THE SUPERINTEINDENT
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL.M.P. (MD) No.15950 of 2022
in
CRL.A. (MD) No.816 of 2022
Date :11/01/2023

PKP/MMS/SAR-2/31.01.2023/3P/5C