



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

Wednesday, the Fifteenth day of February Two Thousand and Twenty  
Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.15304 of 2022

IN

CRL A(MD) No.846 of 2022

GOPINATH

... PETITIONER/APPELLANTS/ACCUSED (SOLE)

Vs

THE STATE REP. BY,  
THE INSPECTOR OF POLICE  
THANJAVUR TOWN WEST POLICE STATION,  
THANJAVUR DISTRICT.  
(CRIME NO.110/2020)

... RESPONDENT/RESPONDENT/COMPLAINANT

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 Learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur District in CC.No.29/2021 vide his judgement dated 18.11.2022 and enlarge the Petitioner on bail.

PRAYER IN CRL A(MD) No.846 of 2022:-

To call for the entire records pertaining to the judgement rendered by the learned Additional District Judge/Presiding Officer, Special Court under Essential Commodities Act, Thanjavur District in CC.No.29/2021 vide order dated 18.11.2022 and set aside the same and consequently acquit the appellant.

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.SIVA L, Advocate for the petitioner and of M/S.B.NAMBISELVAN, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

<https://www.mca21.com>



This Criminal Miscellaneous Petition is filed to suspend the sentence dated 18.11.2022 passed in C.C.No.29 of 2021 against the Petitioner / Appellant by the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur District and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

**2. The case of the prosecution in brief:-**

On 28.02.2020 at about 8.10 a.m., the Inspector of Police, Thanjavur West, received secret information, he went to the place of occurrence, waiting in that place, he intercepted the accused and found him with the possession of white colour polythene bag. Search was also made and found that petitioner was in possession of 1 Kilo and 200 Grams of Ganja. On the basis of the above said occurrence, a case was registered and the First Information Report has been filed making charges against the accused under Sections 8(c) r/w. Section 20(b) (ii) (B) of the NDPS Act 1985.

3. Before the trial Court, on the side of the prosecution, 6 witnesses were examined as P.W.1 to P.W.6 and 11 documents marked as Ex.P.1 to Ex.P.11 and 3 material objects were marked as M.O.1 and M.O.3. On the side of the accused, no witness was examined and no documents were marked. The defacto complainant was not examined.

4. At the conclusion of the trial, the trial Court has found that the accused was found guilty under Section 8(c) r/w Section 20 (b) (ii) (B) of the NDPS Act. Accordingly, the accused was convicted and sentenced to undergo 4 years of Rigorous Imprisonment with fine of Rs.10,000/- and in default to undergo Simple Imprisonment of further period of one year.

5. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the instant Miscellaneous Petition seeking suspension of sentence.

6. The learned Additional Public Prosecutor would submit that the petitioner is involved ten previous cases similar in nature and apart from that he was involved in offences under IPC. He is also produced the list of cases registered against the petitioner.

7. Reading of the list does not show that this petitioner is involved in ten previous cases similar in nature. This is only the case that is registered against him under the provision of NDPS Act and other cases are robbery case, causing damage to the public property, criminal intimidation, extra. So it shows the habitual nature of the petitioner. If the petitioner is released on bail by suspending sentence, there is no guarantee that he will not commit similar offence or other offences. So, the petitioner is not entitled for the benefit of suspension of sentence.



7. Accordingly, this Criminal Miscellaneous Petition is dismissed.

sd/-  
15/02/2023

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WEB COPY

/02/2023

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

INDU

TO

- 1 ADDITIONAL DISTRICT JUDGE/PRESIDING OFFICER,  
SPECIAL COURT UNDER ESSENTIAL COMMODITIES ACT,  
THANJAVUR DISTRICT
- 2 THE INSPECTOR OF POLICE  
THANJAVUR TOWN WEST POLICE STATION,  
THANJAVUR DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL MP (MD) No.15304 of 2022  
IN  
CRL A (MD) No.846 of 2022  
Date :15/02/2023

NA/VR/SAR-3/23.02.2023/3P/4C