



CRL MP(MD) No.17510 of 2023

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

Wednesday, the Thirteenth day of December Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL MP(MD) No.17510 of 2023

in

CRL RC(MD) No.1378 of 2023

S.P.SANKARA PANDIAN

... Petitioner / Petitioner

Vs

THE DRUGS INSPECTOR
VIRUDHUNAGAR RANGE,
OFFICE OF THE ASST. DIRECTOR OF DRUGS CONTROL,
VIRUDHUNAGAR ZONE,
NO.30 L.P.SHANMUGAM STREET,
VIRUDHUNAGAR.

... Respondent / Respondent

Criminal Miscellaneous 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 pursuant to the judgment of conviction render by the C.A No.5/2014 dt.23.03.2023 on the file of the Learned Additional District Judge, Srivilliputtur, confirming the judgment in CC No.6/2011 dt.07.12.2013 on the file of the learned Chief Judicial Magistrate, Srivilliputtur, pending disposal of the above criminal revision petition.

Prayer in CRL RC(MD) No.1378 of 2023:

To admit the appeal on file and to call for the records in C.A.No.5/2014 dated 29.09.2023 on the file of the learned Additional District Judge, Srivilliputtur, confirming the judgment in C.C.No.6/2011 dated 07.12.2013 on the file of the Learned Chief Judicial Magistrate, Srivilliputtur and duly set aside the judgment of



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the Courts below by acquitting the accused / respondent herein.

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Order : This criminal miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.J.JEYAKUMARAN, Advocate for the petitioner and of Mr.K.SANJAY GANDHI, Government Advocate (Crl. side) on behalf of the Respondent, while admitting the criminal revision case, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Chief Judicial Magistrate, Srivilliputtur, in C.C.No.06 of 2011, dated 07.12.2013, which was confirmed in Criminal Appeal No.05 of 2014, dated 23.03.2023 by the learned Additional District Judge, Srivilliputtur, enlarge the petitioner on bail pending disposal of the Criminal Revision Case.

2. The learned counsel appearing for the petitioner submitted that the petitioner has been convicted by the trial Court on 07.12.2013 for the alleged offence under Sections 18(c) r/w Rules 65(3), 65(4) (3) (1), 65(9) and Section 27(d) Tamil Nadu Drugs and Cosmetics Act and sentenced him to undergo simple imprisonment for a period of one year in each sections and and to pay a fine of Rs.100/- (Rupees Hundred only), in default, to undergo one weeks Simple Imprisonment in C.C.No.6 of 2011, on the file of the learned Chief Judicial Magistrate, Srivilliputtur.

3. The learned Additional District Judge, Srivilliputtur, confirmed the conviction and sentence and dismissed the Criminal Appeal No.5 of 2014, dated



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23.03.2023. Challenging the same, the Criminal Revision Case has been filed before this Court along with this miscellaneous petition.

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4. It is submitted by the learned counsel for the petitioner that there are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

5. The learned Government Advocate (Criminal Side) appearing for the respondent would submit that there are enough materials available on record against the petitioner and hence, he opposed to grant suspension of sentence.

6. This Court has carefully considered the rival contentions put forward by either side and also perused the materials available on record.

7. The learned counsel for the petitioner pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal revision and further the criminal revision is not likely to be taken up for final hearing in the near future and as such, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

8. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the revision with the following directions:-



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(i) 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 (*)Chief Judicial Magistrate, Srivilliputtur.

(ii) 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; and

(iii) The petitioner shall appear before the trial Court once in a month i.e., on the first working day of every English calendar month at 10.30 a.m., until further orders.

sd/-
13/12/2023

(*)Amended as per Order of the Court
dt.01.02.2024 in CrI.MP(MD).1059/2024 in
CrI.RC(MD).1378/2023 by VSJ.

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/02/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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To

TO BE SUBSTITUTED WITH THE ORDER DT.13.12.2023 ALREADY
DESPATCHED

1.The Judicial Magistrate,
Srivilliputtur.

2.The Chief Judicial Magistrate,
Srivilliputtur.

3.The Additional District Judge,
Srivilliputtur.

4.The Drugs Inspector,
Virudhunagar Range,
Office of the Asst. Director of Drugs Control,
Virudhunagar Zone,
No.30, L.P.Shanmugam Street,
Virudhunagar.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-2876[F] dated 01/02/2023)

ORDER IN
CRL MP(MD) No.17510 of 2023
in
CRL RC(MD) No.1378 of 2023
Date :13/12/2023

ED/ DD /SAR- (04/01/2024) 5P / 7C

RM

SA/VR/SAR. /07.02.2024 5P 7C

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