



Crl.MP.No.812 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.MP.No.812 of 2024

in

Crl.A.No.84 of 2024

Mubeena

...Petitioner

Vs.

State rep. by,
The Inspector of Police,
Rathinapuri Police Station,
Coimbatore City,
Crime No.171 of 2020.
...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed by judgment in CC.No.2 of 2021 dated 07.11.2023 on the file of the learned Special Court under EC/NDPS Act, Coimbatore.

For Petitioner : Mr.D.Anantha Padmanabhan

For Respondent : Mrs.G.V.Kasthuri,
Additional Public Prosecutor



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ORDER

WEB COPY This Criminal Miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed in CC.No.2 of 2021 dated 07.11.2023 on the file of the learned Special Court under EC/NDPS Act, Coimbatore and to enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act and was sentenced to undergo 10 years of rigorous imprisonment and was ordered to pay a fine of Rs.1,00,000/- and in default of payment of fine, to undergo rigorous imprisonment for another one year, vide order dated 07.11.2023 made in CC.No.2 of 2021. Aggrieved by the same, the above appeal has been filed along with this petition seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that, the petitioner is not a habitual offender and there is no previous case against her and also it is pertinent note that the seized quantity is not a commercial quantity and it is only an intermediate quantity. He further submitted that, there are lot of

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material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable and petitioner is now confined in Central Prison, Coimbatore for more than nine months. Accordingly, he prayed for appropriate orders.

4. On the above said contentions, heard learned Additional Public Prosecutor appearing for the respondent.

5. Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the petitioner is entitled for the relief of suspension of sentence.

6. Accordingly, the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail, on condition that the petitioner shall appear and 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 Special Judge under EC/NDPS Act, Coimbatore and on further condition that the petitioner shall appear before the respondent police

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on every Monday at 10.30 am, pending appeal.

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7. Further, it is made clear that, if the petitioner indulges in similar offence in the future, the suspension of substantive sentence alone granted today will automatically stand dismissed without any further reference to this Court.

8. This criminal miscellaneous petition is ordered accordingly.

25.06.2024

skt

To

1. The Special Court under EC/NDPS Act, Coimbatore.
2. The Central Prison, Coimbatore.
3. The Inspector of Police,
Rathinapuri Police Station,
Coimbatore City.
4. The Public Prosecutor,
High Court of Madras.

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M.DHANDAPANI, J.

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