



WEB COPY



Crl.M.P.No.3388 of 2024
in Crl.A.No.127 of 2023

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This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence imposed by the learned Principal Special Court for NDPS Act cases, Chennai passed in C.C.No.137 of 2019 dated 05.07.2022 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

2. The petitioner/appellant is arrayed as A2 in C.C.No.137 of 2019 and was convicted for the offences u/s 8(c) r/w 20 (B)(ii)(C) and 29 of NDPS Act and was sentenced to undergo rigorous imprisonment of 12 years with a fine of Rs.1,50,000/-, in default to pay the fine amount, was sentenced to undergo rigorous imprisonment for a further period of 6 months and for the offence u/s.29 of NDPS Act, the petitioner was sentenced to undergo seven years rigorous imprisonment with a fine of Rs.50,000/- and in default to undergo six months rigorous imprisonment vide judgment dated 05.07.2022 made in C.C.No.137 of 2019 by the learned Principal Special Judge for EC & NDPS Act cases, Chennai. Aggrieved by the same, the petitioner has filed the above appeal along with this petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner submitted that there are



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lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that the petitioner is under incarceration for more than 5 years, which is nearly 50% of the punishment imposed by the trial Court and now he is confined in Central Prison, Madurai. Accordingly, he prays for suspension of sentence.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the contraband seized from the petitioner is a commercial quantity and there are four previous cases pending against the petitioner. Hence, she vehemently opposed to grant of suspension of sentence.

5. Heard the learned counsel on both side.

6. Considering the gravity of offence committed by the petitioner and also considering the submission of the learned Additional Public Prosecutor that there are four pending cases against the petitioner, this Court feels that if the petitioner is granted suspension of sentence, there is a possibility of hampering or tampering of the witnesses. Therefore, this Court is not inclined to suspend the sentence of imprisonment against the petitioner.



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7. Accordingly, this Criminal Miscellaneous Petition stands dismissed. Post the main appeal as per seriatum.

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M.DHANDAPANI, J.

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To

1. Principal Special Court for NDPS Act Cases, Chennai
2. The The Inspector of Police, NIB CID, Police Station, Kanchipuram
3. The Central Prison, Madurai
4. The Public Prosecutor, High Court of Madras.

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