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Crl.M.P.No.840 of 2024 In Crl.A.No.86 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.840 of 2024

In

Crl.A.No.86 of 2024

Yashar Rahuman

... Petitioner

Vs.

State rep. by:
Inspector of Police,
NIBCID,
Chennai.

... Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence imposed in C.C.No.153 of 2019 dated 18.12.2023 by the I Additional Special Judge for NDPS Cases at Chennai and enlarge the petitioner on bail till the disposal of the above criminal appeal.

For Petitioner : Mr.C.Prakasam
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

This miscellaneous petition is filed to suspend the sentence of imprisonment imposed in the judgment dated 18.12.2023 passed by the learned I Additional Special Judge for NDPS Cases at Chennai in C.C.No.153 of 2019 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.Petitioner/ Appellant was convicted for the offence under Sections 8(c) r/w 22(b) and 8(c) r/w 21(a) of the NDPS Act and was sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/-, in default to undergo two months imprisonment for the offence under Section 8(c) r/w 22(b) of the NDPS Act and to undergo six months rigorous imprisonment and to pay a fine of Rs.5,000/-, in default to undergo one month imprisonment for the offence under Section 8(c) r/w 21(a) of the NDPS Act and the sentences were ordered to run concurrently under judgment in C.C.No.153 of 2019 dated 18.12.2023. The period of detention already undergone by the appellant during the course of investigation and trial was set off by the trial Court. Hence, the appellant seeks suspension of sentence.



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3.The learned counsel for the appellant submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. The learned counsel would further submit that the appellant is now confined in the Central Prison, Puzhal, Chennai.

4.The learned Additional Public Prosecutor submitted that the quantity of the contraband seized is intermediate quantity.

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 appellant is entitled for the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the appellant is directed to be enlarged on bail, on condition that the appellant shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a



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like sum to the satisfaction of the learned Special Judge, I Additional Special Court under EC & NDPS Act, Chennai and on further condition that the appellant shall appear before the trial Court at 10.30a.m. on the first working day of every English Calendar month, pending appeal.

7.This criminal miscellaneous petition is ordered accordingly.

25.04.2024

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Index: Yes/No
Speaking Order: Yes/No
NCC: Yes/No

To

- 1.The I Additional Special Judge for NDPS Cases at Chennai.
- 2.The Inspector of Police,
NIBCID,
Chennai.
- 3.The Central Prison,
Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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M.DHANDAPANI,J.

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