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Crl.MP.No.941 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14.06.2024

CORAM:

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

Crl.MP.No.941 of 2024

in

Crl.A.No.94 of 2024

Ayyanna

...Petitioner

Vs.

State rep. by
The Inspector of Police,
H-1 Washermenpet Police Station,
Chennai.

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence passed in CC.No.281 of 2022 order dated 26.12.2023 on the file of Principal Special Court under EC & NDPS Act, Chennai and enlarge the petitioner on bail, pending disposal of the above appeal.

For Petitioner : Mr.T.S.Sasi Kumar

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



Crl.MP.No.941 of 2024

ORDER

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This Criminal Miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed in CC.No.281 of 2022 dated 26.12.2023 on the file of the Principal Special Court under EC & NDPS Act, Chennai and enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Sections 8(c) r/w 20(b)(ii)(C) of the NDPS Act and was sentenced to undergo 12 years of rigorous imprisonment and was ordered to pay a fine of Rs.1,50,000/- and in default of payment of fine, to undergo rigorous imprisonment for another six months, vide order dated 26.12.2023 made in CC.No.281 of 2022. 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 him. He further submitted that, there are lot of material contradictions in the evidence of the



Crl.MP.No.941 of 2024

prosecution and the prosecution evidence is also highly unbelievable and petitioner is now confined in Central Prison-I, Puzhal, Chennai for about 2 years. Accordingly, he prayed for appropriate orders.

4. Learned Additional Public Prosecutor appearing for the respondent submitted that though there is no previous case pending against the petitioner, however, the seized quantity is a commercial quantity. Hence, she vehemently opposed for suspension of sentence imposed on the petitioner.

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/-



Crl.MP.No.941 of 2024

(Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the Principal Special Court under EC & NDPS Act, Chennai and on further condition that the petitioner shall appear before the trial Court twice in a week i.e., on Monday and Friday of every week at 10.30 am, pending appeal.

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.

14.06.2024

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Crl.MP.No.941 of 2024

To

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1. The Principal Special Court under EC & NDPS Act,
Chennai.
2. The Central Prison-I,
Puzhal, Chennai.
3. The Inspector of Police,
H-1 Washermenpet Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.MP.No.941 of 2024

M.DHANDAPANI, J.

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Crl.MP.No.941 of 2024
in
Crl.A.No.94 of 2024

14.06.2024