



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

**Crl.M.P. No.1969 of 2024
in Crl.A. No.155 of 2024**

Sivakumar

... petitioner

-Vs-

The State Rep.by
The Inspector of Police,
NIBCID,
Chennai.
Crime No.79 of 2019

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389 (1) r/w. 482 of the Criminal Procedure Code, to suspend the sentence of imprisonment passed in C.C.No.188 of 2019 on the file of the Principal Special Court under EC & NDPS Act, Chennai, dated 21.02.2023 and enlarge the petitioner on bail, pending disposal of the criminal appeal.

For petitioner : Mr.V.K.Sathiamurthy

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

ORDER



The Criminal Appeal has been filed as against the Judgment and sentence passed by the Principal Special Court under EC & NDPS Act, Chennai, in C.C.No.188 of 2019 dated 21.02.2023, in and by which, the petitioner was convicted for the offence under Sections 8(c) r/w. 20(b)(ii)(C) of NDPS Act and Sections 8(c) r/w. 29(1) of NDPS Act and in respect of Sections 8(c) r/w. 20(b)(ii)(C) of NDPS Act, the petitioner was sentenced to undergo rigorous imprisonment for 12 years and to pay a fine of Rs.1,20,000/-, in default, to undergo further period of six months rigorous imprisonment, and in respect of Sections 8(c) r/w. 29(1) of NDPS Act, he was sentenced to undergo rigorous imprisonment for five years and pay a fine of Rs.50,000/-, in default, to undergo rigorous imprisonment for a period of six months. The above said sentences shall run concurrently. Challenging the same, the appellant has filed the Criminal appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned Additional Public Prosecutor appearing for the respondent Police submits that one previous case is pending.

3. The learned counsel for the petitioner has raised several arguable



grounds insofar the appeal is concerned and it will take some more time for this Court to take up the criminal appeal and to dispose of the same.

4. In the facts and circumstances of the case, the Criminal Miscellaneous Petition is ordered and the punishment of imprisonment imposed as against the petitioner is hereby suspended and he is directed to be released on bail on the following conditions:

a) the petitioner shall execute a bond for a sum of Rs.10,000/- to the satisfaction of the Principal Special Court under EC & NDPS Act, Chennai, along with two sureties for a like sum;

b) the petitioner shall report before the respondent Police on every Monday at 10.30 a.m., until further orders.

4. Post the main appeal in the usual course.

01.07.2024

ssb

Note: Issue order copy on 01.07.2024



WEB COPY



To

1. The Inspector of Police,
NIBCID,
Chennai.
2. The Principal Special Court under EC & NDPS Act, Chennai.
3. The Superintendent, Central Prison-1 (Convicted Cell),
Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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M.DHANDAPANI, J.

ssb

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