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Crl.M.P.No.2753 of 2024 In Crl.A.No.190 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.2753 of 2024

In

Crl.A.No.190 of 2024

1.Pavan

2.Sai Pavan Veer

... Petitioners

Vs.

State Rep By:
Inspector of Police,
NIB – CID,
Kancheepuram

... Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence imposed in C.C.No.185 of 2019 dated 29.06.2022 by the learned Principal Special Court under EC & NDPS Act, Chennai and enlarge the petitioners on bail till the disposal of the above criminal appeal.

For Petitioners : Mr.R.C.Paul Kanagaraj

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 29.06.2022 passed by the learned Principal Special Court under EC & NDPS Act, Chennai in C.C.No.185 of 2019 and enlarge the petitioners on bail pending disposal of the above criminal appeal.

2.Petitioners/ Appellants were convicted for the offence under Sections 8(c) r/w 20(b)(ii)(B) and 8(c) r/w. 29(1) of the NDPS Act and were sentenced to undergo five years rigorous imprisonment each and to pay a fine of Rs.50,000/- each, in default to undergo six months rigorous imprisonment each for the offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act and to undergo three years rigorous imprisonment each and to pay a fine of Rs.25,000/- each, in default to undergo six months rigorous simple imprisonment each for the offence under Section 8(c) r/w. 29(1) of the NDPS Act under judgment in C.C.No.185 of 2019 dated 29.06.2022. Hence, the appellants seek suspension of sentence.



Crl.M.P.No.2753 of 2024 In Crl.A.No.190 of 2024

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

4.Heard the submissions of the learned Additional Public Prosecutor.

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 appellants are entitled for the relief of suspension of sentence.

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

3/5



Crl.M.P.No.2753 of 2024 In Crl.A.No.190 of 2024

I, Kancheepuram and on further condition that the appellants shall appear before the trial Court once in 15 days i.e., on the first Monday and third Monday of every English Calendar month at 10.30 a.m., pending appeal.

7.This criminal miscellaneous petition is ordered accordingly.

17.04.2024

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Index: Yes/No

Speaking Order: Yes/No

NCC: Yes/No

To

- 1.The Principal Special Court under EC & NDPS Act,
Chennai.
- 2.The Inspector of Police,
NIB – CID,
Kancheepuram
- 3.The Central Prison,
Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

4/5



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Crl.M.P.No.2753 of 2024 In Crl.A.No.190 of 2024

M.DHANDAPANI,J.

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Crl.A.No.190 of 2024**

17.04.2024