



Crl.MP.No.3176 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.06.2024

CORAM:

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

Crl.MP.No.3176 of 2024

in

Crl.A.No.206 of 2024

Sarath Saravanan

...Petitioner

Vs.

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

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner in CC.No.154 of 2019 dated 02.02.2024 on the file of the Principal Special Judge for EC & NDPS Act at Chennai.

For Petitioner : Mr.A.Ganesh

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



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ORDER

WEB COPY This Criminal Miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed in CC.No.154 of 2019 dated 02.02.2024 on the file of the Principal Special Judge for EC & NDPS Act at Chennai and to enlarge the petitioner on bail.

2. The petitioner was convicted for the offence under Sections 8(c) r/w 20(b)(ii)(A) & 8(c) r/w 20(b) (2counts) of the NDPS Act and in respect of the conviction under Section 8(c) r/w 20(b)(ii)(A) of the NDPS Act, the petitioner was sentenced to undergo 1 year of rigorous imprisonment and was ordered to pay a fine of Rs.20,000/- and in default of payment of fine, to undergo rigorous imprisonment for another six months and in respect of conviction under Section 8(c) r/w 20(b) of the NDPS Act, he was sentenced to undergo 5 years of rigorous imprisonment and was ordered to pay a fine of Rs.50,000/- and in default of payment of fine, to undergo rigorous imprisonment for another six months **for each count**, vide order dated 02.02.2024 made in CC.No.154 of 2019. Aggrieved by the same, the above appeal has been filed along with this petition for suspension of sentence.



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3. Learned counsel for the petitioner submitted that, the petitioner is not a habitual offender and there is no previous case against him and also it is pertinent note that the seized quantity is only an intermediate quantity. He further submitted that, there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable and petitioner is now confined in Central Prison, Puzhal, Chennai for about five months. Accordingly, he prayed for appropriate orders.

4. On the above said contentions, heard learned Additional Public Prosecutor appearing for the respondent.

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



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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/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Principal Special Judge for EC & NDPS Act at Chennai and on further condition that the petitioner shall appear before the respondent police on every Monday 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.

25.06.2024

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To

WEB COPY

1. The Principal Special Judge for EC & NDPS Act,
Chennai.
2. The Central Prison,
Puzhal, Chennai.
3. The Inspector of Police,
NIB CID,
Chennai.
4. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI, J.

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