



Crl.A.No.712 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2024

CORAM:

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

Crl.MP.No.2556 of 2024

in

Crl.A.No.712 of 2023

Muthurasa

...Petitioner

Vs.

The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zonal Unit,
Chennai – 600 090.

...Respondent

Criminal Miscellaneous Petition filed under Section 389(1) of Cr.P.C., to suspend the sentence passed in CC.No.123 of 2018 order dated 22.05.2023 on the file of the I Additional Special Court for exclusive trial of cases under EC & NDPS Act, Chennai pending disposal of the above appeal.

For Petitioner : Mr.T.S.Sasi Kumar

For Respondent : Mr.N.P.Kumar
Special Public Prosecutor(NDPS)



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ORDER

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This Criminal Miscellaneous petition has been filed seeking to suspend the sentence of imprisonment imposed in CC.No.123 of 2018 dated 22.05.2023 on the file of the I Additional Special Court for exclusive trial of cases under EC & NDPS Act, Chennai.

2. The petitioner was convicted for the offence under Section 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 22.05.2023 made in CC.No.123 of 2018. 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 prosecution and the prosecution evidence is also highly unbelievable and



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petitioner is now confined in Central Prison, Puzhal-I, Chennai for more than 6 years and have undergone almost 50% of the sentence imposed on him. Accordingly, he prayed for appropriate orders.

4. On the above said contentions, heard learned Special 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 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 I Additional Special Court for exclusive trial of cases



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under EC & NDPS Act, Chennai and on further condition that the petitioner shall appear before the trial Court every Monday at 10.30 am, pending appeal. The petitioner is directed to pay the fine amount as imposed by the trial court within a period of two weeks from the date of receipt of a copy of this order.

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.

02.07.2024

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To

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1. The I Additional Special Court for exclusive trial of cases under EC & NDPS Act, Chennai.
2. The Central Prison, Puzhal-I, Chennai.
3. The Intelligence Officer, Narcotic Control Bureau, Chennai Zonal Unit, Chennai – 600 090.
4. The Public Prosecutor, High Court of Madras.



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M.DHANDAPANI, J.

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