



Crl.M.P.No.2946 of 2023
in Crl.A.No.198 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.2946 of 2023
in
Crl.A.No.198 of 2023

Tamil @ Tamilarasan

... Petitioner

Vs.

State Represented by:

Inspector of Police,

J-11, Kannagi Nagar Police Station,

Chennai.

Cr.No.74 of 2019

... Respondent

Prayer : Criminal Miscellaneous Petition filed under Sections 389(2) and 439 of Criminal Procedure Code, praying to suspend the sentence imposed by the Principal Special Court under EC & NDPS Act, Chennai in C.C.No.170 of 2019 and to enlarge him on bail pending disposal of the criminal appeal.

For Petitioners : Mr.S.Senthilvel

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



Crl.M.P.No.2946 of 2023
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ORDER

This miscellaneous petition is filed to suspend the sentence imposed on the petitioner by the Principal Special Court under EC & NDPS Act, Chennai in C.C.No.170 of 2019 and to enlarge the petitioner on bail, pending disposal of the above criminal appeal.

2. Petitioner is convicted for the offence under Section 8(c) r/w. 20(b) (ii)(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act') and was sentenced to undergo five years rigorous imprisonment and to pay a fine of Rs.50,000/-, in default to undergo six months rigorous imprisonment. Aggrieved by the same, the petitioner preferred the above appeal along with a petition seeking suspension of sentence.

3. Learned counsel for the petitioner submitted that, he has been falsely implicated in this case. 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-1, Chennai for more than 2 years. He



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WEB COPY further submits that the petitioner is ready to abide any condition imposed by this Court. Accordingly, he prayed for appropriate orders.

4. The learned Additional Public Prosecutor appearing for the respondent submits that there is one previous case, which is similar in nature pending against the petitioner. Accordingly, she vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel appearing on either side.

6. It is seen that there is one previous case similar in nature is pending against the petitioner. Considering the gravity of offence committed by the petitioner and also considering the submission of the learned Additional Public Prosecutor, this Court feels that if the petitioner is granted suspension of sentence, there are possibilities of hampering or tampering of the witnesses. Therefore, this Court is not inclined to suspend the sentence of imprisonment against the petitioner.

M.DHANDAPANI,J.



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Crl.M.P.No.2946 of 2023
in Crl.A.No.198 of 2023

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7. Accordingly, this Criminal Miscellaneous Petition stands dismissed.

08.07.2024
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To

1. Principal Special Court under EC & NDPS Act, Chennai
2. Central Prison, Puzhal -1, Chennai.
3. Inspector of Police,
J-11, Kannagi Nagar Police Station,
Chennai.
4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

Crl.M.P.No.2946 of 2023
in
Crl.A.No.198 of 2023