



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM

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

Crl.M.P. No.3755 of 2024
in Crl.A. No.261 of 2024

1. Suresh Mahapatra
2. Narasingh Rao

... Petitioners

-Vs-

The Inspector of Police,
T1 Ambattur Police Station,
Chennai.
Cr. No.589 of 2022

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Sections 389 (i) of the Criminal Procedure Code, to suspend the sentence imposed on the petitioners by order dated 23.02.2024 in CC.No.186 of 2023 on the file of the learned I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and release the petitioners on bail.

For petitioner : Mr.O.Chembulingam
For Respondent : Mrs.G.V.Kasthuri
Addl. P.P.

ORDER

The Criminal Appeal has been filed as against the Judgment and sentence passed by the learned I Additional Special court for Exclusive Trial of Cases under NDPS Act, dated 23.02.2024 in CC.No.186 of 2023



convicting the first petitioner for the commission of offence under Section 8(c) read with Section 20(b)(ii)(c) of the NDPS Act and sentencing the first petitioner to undergo RI for 10 years and to pay a fine of Rs.1,00,000/- and in default, to undergo further period of six months RI and the second petitioner was convicted for the commission of offence under Section 8(c) read with 20 (b)(ii)(c) of the NDPS Act and sentencing the second petitioner to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.1,00,000/- in default, to undergo further period of six months RI and the above said sentences shall run concurrently. Challenging the same, the petitioners have filed Criminal appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned counsel for the petitioners submitted that the petitioners are innocent and there is no previous case pending against them. A false case has been foisted against the petitioners and the petitioners are incarcerated for more than one year.



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3. The learned Government Counsel has vehemently opposed to grant of bail to the petitioners as the petitioners were illegally transported 21 Kgs. Of ganja and the petitioners are convicted for serious offence against the society.

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

a) the appellants shall execute a bond for a sum of Rs.10,000/- each to the satisfaction of the learned I Additional Special Court for Exclusive Trial of Cases under NDPS Act along with two sureties for a like sum;

b) the appellants shall report before the Court below for every 15 days in a month at 10.30 AM, until further orders.

30.04.2024

vji

Note: Issue order copy on 30.04.2024



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M.DHANDAPANI, J.

vji

To

1. The Inspector of Police,
Ambattur Police Station,
Chennai.

2. I Additional Special Court for Exclusive Trial of Cases under NDPS
Act, Chennai

3. The Public Prosecutor, High Court of Madras.

4. The Superintendent,
Central Prison, Puzhal,
Chennai.

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