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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.MP.No.4024 of 2023
and Crl.A No.293 of 2023

Murugan

... petitioner

-Vs-

The Inspector of Police,
NIBCID,
Chennai.

... Respondent

Prayer: Criminal revision is filed under Sections 389 (i) of the Criminal Procedure Code, to suspend the sentence imposed in CC.No.83 of 2020 dated 03.03.2023 by the Principal Sessions Judge for NDPS Cases at Chennai and enlarge the petitioner on bail till the disposal of the criminal appeal.

For petitioner : Mr.R.C.Paul Kanagaraj
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The Criminal Revision has been filed as against the Judgment passed by the learned Principal Sessions Judge, Special Court under EC & NDPS Act, Chennai in judgment dated 03.03.2023 in CC.No.83 of 2020, convicted the petitioner for an offence Under Section8(c) read with 20(b)(ii)(C) of NDPS and sentenced the petitioner to undergo 12 years RI and also to pay a fine of Rs.1,20,000/- in default, six months RI and



convicted the petitioner for the offence under Section 8(c) read with 29(1) of NDPS Act and sentenced to undergo five years RI and to pay a fine of Rs.50,000/- in default, to undergo six months RI. Challenging the said judgement, the petitioner has filed the above appeal and miscellaneous petition seeking suspension of sentence of imprisonment.

2. The case of the prosecution is that there are two accused involved in this case and the petitioner herein is arrayed as A1. On the date of occurrence, the petitioner was in possession of 23 kgs. Of Ganja. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. Further Section 50 (1) of NDPS act was not complied with properly and there was no independent witness examined. The petitioner is in jail for one year and four months. Therefore, the learned counsel prays to suspend the sentence imposed on the petitioner.

4. The learned Government Advocate submitted that the Court below has appreciated the entire evidence and has given elaborate reasons for



convicting and sentencing the petitioner.

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5. This Court carefully considered the submissions made on either side.

6. Considering the facts and circumstances of the case and in view of the fact that there are arguable points which require a consideration in the appeal, this Court is inclined to suspend the sentence imposed by the Court below.

7. The sentence imposed by the Court below vide Judgment made in C.C No.89 of 2020 dated 03.03.2023 on the file of learned Principal Sessions Judge, Special Court under EC & NDPS Act, Chennai, is hereby suspended, on condition that the petitioner shall 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 Sessions Judge, Special Court under EC & NDPS Act, Chennai and to appear before the learned Judicial Magistrate on the first working day of every week at 10.30 a.m., until further orders.

21.06.2024

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M.DHANDAPANI.,J
rl

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Note: Issue order copy on 24.06.2024

To

1. The Principal Sessions Judge,
Special Court under EC & NDPS Act, Chennai.
2. The Inspector of Police,
NIBCID, Chennai.
3. The Public Prosecutor,
High Court, Madras.
5. The Superintendent
Central Prison, Puzhal-I, Chennai.

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