



Crl.M.P.No.4980 of 2024 in Crl.A.No.327 of 2024

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WEB C **M.DHANDAPANI, J.**

This Criminal Miscellaneous Petition has been filed by the petitioner seeking to suspend the sentence in the judgment dated 13.02.2024 in C.C.No.67 of 2020 passed by the learned Special Judge, II Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

2. The petitioner was convicted for the offences u/s 8(c) r/w 20 (B)(ii)(C) and 29 of NDPS Act and was sentenced to undergo rigorous imprisonment of four years with a fine of Rs.40,000/-, in default to pay the fine amount, was sentenced to undergo rigorous imprisonment for a further period of 3 months vide judgment dated 13.02.2024 made in C.C.No.67 of 2020 by the learned Special Judge, II Additional Special Court for Exclusive Trial of cases under NDPS Act, Chennai. Aggrieved by the same, the petitioner has filed the above appeal along with this petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioner submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable and now he is confined in Central



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Prison - I, Puzhal, Chennai. Accordingly, he prays for suspension of sentence.

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4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner was in possession of 12 Kgs of ganja and there are two pending cases against the petitioner which are similar in nature. Hence, she vehemently opposed to grant of suspension of sentence.

5. Heard the learned counsel on both side.

6. Considering the gravity of offence committed by the petitioner and also considering the submission of the learned Additional Public Prosecutor that there are two pending cases similar in nature against the petitioner, this Court is not inclined to suspend the sentence of imprisonment against the petitioner.

7. Accordingly, this Criminal Miscellaneous Petition stands dismissed. Post the main appeal as per seriatum.

08.07.2024

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To

1. The Special Judge, II Additional Special Court
for Exclusive Trial of cases under NDPS Act, Chennai
2. The Inspector of Police, NIB-CID, Chennai
3. The Central Prison-I, Puzhal, Chennai.
4. The Public Prosecutor, High Court of Madras.



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