



WEB COPY



Crl.M.P.No.5250 of 2023
in Crl.A.No.413 of 2023

Crl.M.P.No.5250 of 2023

in

Crl.A.No.413 of 2023

This Criminal Miscellaneous Petition has been filed by the petitioners seeking to grant suspension of sentence passed by the Principal Special Court under EC and NDPS Act in C.C.No.132 of 2021 on 02.03.2023 and thereby release the petitioners

2. The petitioners/appellants is arrayed as A1 and A2 in C.C.No.132 of 2021 and were 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 12 years each with a fine of Rs.1,20,000/- each, in default, to undergo rigorous imprisonment for a period of 6 months and to pay a fine of Rs.50,000/- each for the offence u/s.8(c) r/w. 29(1) of the NDPS Act, in default, was sentenced to undergo rigorous imprisonment for a further period of 6 months. Aggrieved by the same, the petitioners have filed the above appeal along with this petition seeking suspension of sentence.

3. The learned counsel appearing for the petitioners submitted that there are lot of material contradictions in the evidence of the prosecution and the prosecution evidence is also highly unbelievable. He would further submit that the



CrI.M.P.No.5250 of 2023
in CrI.A.No.413 of 2023

petitioners are under incarceration for more than 3 years and now they are confined in Central Prison I, Puzhal, Chennai. Accordingly, he prays for suspension of sentence.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the contraband seized from the petitioners is commercial quantity. Hence, she vehemently opposed to grant of suspension of sentence.

5. Heard the learned counsel appearing on both side.

6. Considering the gravity of offence committed by the petitioners and also considering the submission of the learned Additional Public Prosecutor that there are four pending cases against the petitioners, 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
2/2

rap



WEB COPY



CrI.M.P.No.5250 of 2023
in CrI.A.No.413 of 2023

To

- 1.The Principal Special Court under EC and NDPS Act, Chennai
- 2.The The Inspector of Police,NIB CID, Chennai.
- 3.The Central Prison I, Puzhal, Chennai
- 4.The Public Prosecutor, High Court of Madras.



WEB COPY



Crl.M.P.No.5250 of 2023
in Crl.A.No.413 of 2023

M.DHANDAPANI, J.

rap

Crl.M.P.No.5250 of 2023
in
Crl.A.No.413 of 2023

08.07.2024
2/2