



Crl.M.P.No.6700 of 2024 In Crl.A.No.452 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.M.P.No.6700 of 2024

In

Crl.A.No.452 of 2024

Mahesh Babu

... Petitioner

Vs.

State represented by:
Inspector of Police,
NIB-CID,
Chennai.
[Crime No.86 of 2021]

... Respondent

Prayer :

Criminal Miscellaneous Petition filed under Section 389 (1) of Criminal Procedure Code praying to suspend the sentence imposed on the petitioner in C.C.No.86 of 2021 passed by the Special Judge I Addl. Special Court for Exclusive Trial of Cases under NDPS Act, Chennai vide judgment dated 10.04.2024 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.K.Prasanthan
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor



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ORDER

This miscellaneous petition is filed to suspend the sentence of imprisonment imposed on the petitioner in C.C.No.86 of 2021 passed by the Special Judge I Addl. Special Court for Exclusive Trial of Cases under NDPS Act, Chennai vide judgment dated 10.04.2024 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

2.Appellant was convicted for the offence under Section 8(c) r/w 20(b)(ii) (B) of the NDPS Act and was sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.15,000/-, in default to undergo two months imprisonment under judgment in C.C.No.86 of 2021 dated 10.04.2024. The period of detention already undergone by the appellant from during the course of investigation and trial was set off by the trial Court. Hence, the appellant seeks suspension of sentence.

3.The learned counsel for the appellant would submit that there are lot of material contradictions in the evidence of the prosecution



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and the prosecution evidence is also highly unbelievable. He would further submit that the appellant is now confined in Central Prison, Puzhal.

4.The learned Additional Public Prosecutor submitted that the quantity of the contraband seized is intermediate quantity and further submitted that there is no previous case as against the petitioner.

5.Having regard to the fact that there are arguable points involved in the appeal and further, the appeal is not likely to be taken up for final hearing in the near future and also considering the period of incarceration, I am of the considered opinion that the appellants are entitled for the relief of suspension of sentence.

6.Accordingly, the substantive sentence of imprisonment alone is suspended and the appellant is directed to be enlarged on bail, on condition that the appellant 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 Special Judge I Addl. Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and on

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further condition that the appellant shall appear before the trial Court at 10.30 a.m. on the first working day of every English Calendar month, pending appeal.

7.This criminal miscellaneous petition is ordered accordingly.

23.04.2024

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Index: Yes/No
Speaking Order: Yes/No
NCC: Yes/No

To

- 1.The Special Judge I Addl. Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.
- 2.The Inspector of Police,
NIB-CID,
Chennai.
[Crime No.86 of 2021]
- 3.The Central Prison,
Puzhal,
Chennai.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

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M.DHANDAPANI,J.

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23.04.2024