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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 26.04.2024

CORAM:

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

Crl.MP.No.8976 of 2023
in Crl.A.No.682 of 2023

Alexander Vyukhin @ Alex

...Appellant

Vs.

The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai-90.

...Respondent

Criminal Appeal filed under Section 389(1) Cr.P.C. to order suspension of sentence imposed on the appellant in CC.No.15/2012 on the file of the Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and to grant bail to the appellant till the disposal of the appeal in C.A.No.682 of 2023.

For Appellant : Mrs.Mamta Pande

For First Respondent : Mr.N.P.Kumar, Spl. PP

JUDGMENT

The Appellant/A2 is in judicial custody since 28.09.2011. This petition has been filed by the Appellant/A.2, who is a Russian citizen, aged about 62 years, seeking bail.

2. The appellant was convicted vide order and judgment dated 11.01.2022 in



Exclusive Trial of Cases under NDPS Act, Chennai for offence under Section 8(c) read with 29, under Section 8(c) read with 27A, under Section 8(c) read with 22(c), under Section 8(c) read with 23(c) and under Section 8(c) read with 28 of the NDPS Act and sentenced to undergo RI for a period of 18 years and to pay a fine of Rs.1,00,000/-, in default, to undergo further period of one year for each of the said offences. The total fine amount is to be paid by the appellant is Rs.5,00,000/-

3.The learned counsel for the appellant submitted that the appellant is aged about 62 years and he is a Russian Citizen. The appellant is incarcerated for past 12 ½ years and the appellant is suffering from various ailments. The appellant is also suffering from Bi-polar disorder, which requires continuous treatment. Further the appellant is ready to abide by any condition that may be imposed by this Court.

4. The learned Special Public Prosecutor submitted that the appellant is convicted for serious offence against the society and he was convicted under NDPS case. If he is granted bail by suspending the sentence, the appellant may abscond from the country. Hence, he strongly opposed for grant of bail.

5.Heard the learned counsel for the Appellant and the learned Special Public Prosecutor for the respondent and perused the materials available on record.



6. Admittedly the appellant is Russian Citizen and he is found guilty of indulging in dealing with narcotic substances. The learned counsel for the appellant submitted that the appellant is suffering from various ailments and he has already served a sentence of more than 12 ½ years out of 18 years of RI imposed on him. The learned Government counsel has also not disputed the said facts.

7. In such a backdrop, considering the health of the appellant and also considering the period of incarceration of almost 12 1/2 years in prison, out of 18 years, while this Court is not inclined to suspend the sentence at this point of time, however, to render substantial justice, taking into consideration the health condition of the appellant, the appellant being aged 62 years, the miscellaneous petition is disposed of by directing *the respondent police to relocate the appellant to the Special Camp for Foreigners, in Chennai till the disposal of the appeal and necessary* medical aid shall be provided to the to the appellant at the Special Camp for Foreigners until further orders.

26.04.204

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Note to office: Issue order copy on 30.04.2024

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



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M.DHANDAPANI, J.

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To

1. The Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit,
Chennai-90.
2. The I Additional Special Court for Exclusive
Trial of Cases under NDPS Act, Chennai.
3. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.
4. The Superintendent,
Central Prison, Puzhal,
Chennai.

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