



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 30.04.2024**

**CORAM**

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

**Crl.M.P.No.14018 of 2023**

**in**

**Crl.A.No.963 of 2023**

Ajithkumar

... petitioner

**-Vs-**

The State,  
Represented by The Inspector of Police  
K10 Koyambedu Police Station,  
Chennai.

... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Section 389 (1) of the Code of Criminal Procedure, to suspend the sentence imposed on the petitioner passed in C.C.No.166 of 2019 on the file of the learned Principal Special Court under EC & NDPS Act, Chennai dated 30.01.2023 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For petitioner : Mr.A.Elumalai

For Respondent : Mrs.G.V.Kasthuri  
Additional Public Prosecutor

**ORDER**



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The criminal miscellaneous petition has been filed by the petitioner / accused as against the judgment and sentence passed by the learned Principal Special Court under EC & NDPS Act, Chennai in C.C.No.166 of 2019 dated 30.01.2023 and convicted the petitioner under Section 235(2) of Cr.P.C to undergo rigorous imprisonment for five years and to pay a fine of Rs.50,000/- for the offence under Sections 8(c) r/w 20(b) (ii) (B) of the NDPS Act and in default of payment of fine thereof, to undergo further period of six months rigorous imprisonment. The above said sentences shall run concurrently. Challenging the same, the petitioner / accused has filed the criminal appeal and the present miscellaneous petition seeking suspension of sentence.

2. The learned counsel for the petitioner / accused submitted that except NDPS case, no other cases are pending against the petitioner / accused and the petitioner / accused is in incarceration for more than two years. Hence, this Court may suspend the sentence.

3. In the facts and circumstances of the case, the criminal



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miscellaneous petition is ordered and the punishment of imprisonment imposed as against the petitioner is hereby suspended and the petitioner / accused is directed to be released on bail on the following conditions:

a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Principal Special Court under EC & NDPS Act, Chennai along with two sureties for a like sum;

b) the petitioner shall report before the Court below for every 15 days in a month at 10.30 AM, pending disposal of the appeal.

**30.04.2024**

vji

**Note: Issue order copy on 30.04.2024**

To



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1. The Inspector of Police  
K10 Koyambedu Police Station,  
Chennai.
2. The learned Principal Special Court  
under EC & NDPS Act, Chennai
3. The Superintendent,  
Central Prison, Puzhal.
4. The Public Prosecutor,  
High Court of Madras,  
Madras.



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**M.DHANDAPANI, J.**

vji

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