



WEB COPY



Crl.M.P. No. 13513 of 2024

in

Crl.A. No. 980 of 2024

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M. NIRMALKUMAR,J.

The petitioner/accused in C.C. No. 76 of 2019 was convicted by the Trial Court by judgment dated 23.01.2024 for the offence under Section 8(c) r/w 20(b)(ii)(C) of NDPS Act and sentenced to undergo rigorous imprisonment for 12 years with a fine of Rs.1,20,000/- carrying a default sentence of 6 months rigorous imprisonment. Aggrieved against the said conviction and sentence, the petitioner preferred the above appeal along with a petition seeking suspension of sentence. This Court, by order dated 02.08.2024 granted suspension of sentence and enlarged the petitioner on bail subject to certain conditions. One of the conditions imposed was that the petitioner should appear before the respondent Police on every Monday at 10.30a.m. pending appeal. Seeking relaxation of the said condition, the petitioner has come forward with the present petition.



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2. The learned counsel for the petitioner would submit that the petitioner is a native of Cumbum, Theni District and he is aged about 51 years. He is a daily wage earner and due to the aforesaid condition imposed, he is unable to go to work for two days in a week thereby losing wages for two days as he has to travel all the way from Cumbum to Chennai and back. Moreover, he is unable to meet the travel expenditure out of his meagre earnings. Learned counsel would further submit that the petitioner is a permanent resident of Cumbum and he will not evade justice. Therefore, the learned counsel would submit that the condition imposed may be relaxed.

3. Learned Special Public Prosecutor has filed counter and submitted that after this Court granted bail to the petitioner, he had been appearing regularly before the respondent Police without any default. The petitioner is a resident of Cumbum and the difficulty faced by the petitioner is only for the purpose of this petition. According to him, this Court granted bail to the petitioner for the reason that the petitioner was in prison for more than 6 years. He would further submit that the petitioner was convicted as



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he attempted to transport 392.900 grams of Ganja and relaxation of the aforesaid condition may result in the petitioner absconding and the respondent Police may lose track of the petitioner. Therefore, learned Special Public Prosecutor opposed the petition for relaxation.

4. Heard both sides.

5. Considering the fact that the petitioner has been complying with the aforesaid condition imposed; that he is made to lose two days of his earnings due to his travel from Cumbum to Chennai and back and that he is finding it difficult to meet out the expenditure for the said travel, this Court is inclined to modify the condition imposed. Accordingly, the condition imposed on the petitioner is modified to the effect that the petitioner shall appear before the respondent Police on the first working day of every month at 10.30.a.m. pending appeal.

18.10.2024

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