



WEB COPY



Crl.MP.No.16363 of 2023

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in

Crl.A.No.710 of 2023

M.DHANDAPANI, J.

This Criminal Miscellaneous petition has been filed under Section 389(1) of Cr.P.C to suspend the sentence imposed on the petitioner in CC.No.138 of 2021 on the file of the Principal Special Court under EC & NDPS Act, Chennai, vide judgment dated 10.05.2023 and to enlarge the petitioner on bail, pending disposal of the above criminal appeal.

2. Heard learned counsel on either side.

3. A perusal of the order of conviction dated 10.05.2023 made in CC.No.138 of 2021 reveals that, the petitioner/appellant was convicted for offence under Sections 8(c) r/w 20(b)(ii)(C) and 8(c) r/w 20(b)(ii)(B) of the NDPS Act and in respect of conviction under Section 8(c) r/w 20(b)(ii)(C) of NDPS Act, the petitioner was sentenced to undergo Rigorous imprisonment for 12 years and was ordered to pay a fine of Rs.1,20,000/- and in default of payment of fine amount, he was sentenced to undergo rigorous



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imprisonment for a further period of six months and in respect of conviction under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, he was sentenced to undergo Rigorous imprisonment for 5 years and was ordered to pay a fine of Rs.50,000/- and in default of payment of fine amount, he was sentenced to undergo rigorous imprisonment for a further period of six months.

4. It is pertinent to note that, there are eleven other previous cases pending against the petitioner, among which ten cases are for offences which are of heinous in nature and one is for the offence of similar nature. Further, suspension has to be granted only if a prima facie case is made out, where contradictions, which are crucial in nature are pointed out. In the case on hand, such crucial contradictions have not been pointed out and in such view of the matter, suspending the sentence, as a matter of course, will set a bad precedent in the society. Therefore, this Court is not inclined to accede to the prayer of the petitioner/appellant seeking suspension of sentence.

5. Hence, this Court is not inclined to suspend the sentence of



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imprisonment imposed on the petitioner in CC.No.138 of 2021 dated 10.05.2023 and accordingly, this Criminal Miscellaneous petition stands dismissed.

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25.06.2024

M.DHANDAPANI, J.

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