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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

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

**Crl.M.P. No.17510 of 2023
in Crl.A. No.1243 of 2023**

1. Saraswathi
W/o.Mayee

2. Ramesh
S/o.Ganesan

... petitioners

-Vs-

The State Rep.by
The Inspector of Police,
NIBCID,
Villupuram.

... Respondent

Prayer: Criminal Miscellaneous Petition is filed under Section 389 (1) r/w. 482 of the Criminal Procedure Code, to suspend the sentence of imprisonment passed in Spl.C.No.56 of 2022 on the file of the Special Judge under Narcotic Drugs and Psychotropic Substances Act, Villupuram dated 05.08.2023 and enlarge the petitioners on bail, pending disposal of the criminal appeal.

For petitioners : Mr.M.S.Ramesh

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

ORDER



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The Criminal Appeal has been filed as against the Judgment and sentence passed by the Special Judge under Narcotic Drugs and Psychotropic Substances Act, Villupuram, in Spl.C.No.56 of 2022 dated 05.08.2023, in and by which, the petitioners were convicted for the offences under Sections 8(c) r/w. 20(b)(ii)(C) and 29(1) of NDPS Act. In respect of Sectionsd 8(c) r/w. 20(b)(ii)(C) of NDPS Act, the petitioners were sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.1,00,000/- each, in default, to undergo further period of three years simple imprisonment, and in respect of 29(1) of NDPS Act, they were sentenced to undergo rigorous imprisonment for ten years and pay a fine of Rs.1,00,000/- each, in default, to undergo simple imprisonment for a period of three years. Challenging the same, the appellants have filed the Criminal Appeal and the present miscellaneous petition seeking suspension of sentence of imprisonment.

2. The learned Additional Public Prosecutor appearing for the respondent Police submits that no previous case is pending.

3. The learned counsel for the petitioners has raised several



arguable grounds insofar the appeal is concerned and it will take some more time for this Court to take up the criminal appeal and to dispose of the same.

4. In the facts and circumstances of the case, the Criminal Miscellaneous Petition is ordered and the punishment of imprisonment imposed as against the petitioners is hereby suspended and they are directed to be released on bail on the following conditions:

a) the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the learned Special Judge under Narcotic Drugs and Psychotropic Substances Act, Villupuram along with two sureties for a like sum;

b) the petitioners shall report before the respondent Police on every Monday at 10.30 a.m., until further orders.

4. Post the main appeal in the usual course.

01.07.2024

ssb

Note: Issue order copy on 01.07.2024



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To

1. The Inspector of Police,
NIBCID,
Villupuram.
2. The learned Special Judge under Narcotic Drugs
and Psychotropic Substances Act,
Villupuram.
3. The Special Prison for Women,
Madurai.
4. The Central Prison,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.



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M.DHANDAPANI, J.

ssb

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