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Crl.M.P.No.18476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2024

CORAM:

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

Crl.M.P.No.18476 of 2023
in Crl.A.No.1323 of 2023

Siva @ Sivasamy

...Petitioner

Vs.

State represented by:
The Inspector of Police,
NIBCID, Chennai.
(Crime No.21 of 2019)

...Respondent

Prayer : Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C., to suspend the sentence imposed on the petitioner by order dated 11.10.2022 in C.C.No.111 of 2019 on the file of the learned Principal Special Judge under EC & NDPS Act, Chennai and enlarge the petitioner on bail.

For Petitioner	: Mr.O.Chembulingam
For Respondent	: Mrs.G.V.Kasthuri
	Additional Public Prosecutor

ORDER

This Criminal Miscellaneous petition has been filed to suspend the sentence of imprisonment imposed on the petitioner herein in C.C.No. 111 of 2019 dated 11.10.2022 on the file of the learned Principal Special Judge under EC & NDPS Act, Chennai.



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2. The trial Court has convicted the petitioner under Section 8(c) r/w 20(b) (ii) (C) of NDPS Act and sentenced to undergo Rigorous imprisonment of 11 years and to pay a fine of Rs.1,00,000/- and in default of payment of fine, to undergo further period of 6 months rigorous imprisonment.

3. The case of the prosecution is that the petitioner had been remanded to judicial custody for possession of 21 kgs of Ganja.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person who has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody for a period of more than five(5) years. Hence, he prays for grant of bail to the petitioner.

5. Learned Additional Public Prosecutor would submit that one similar case was registered as against the petitioner and the case ended in acquittal.



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6. Heard the learned counsel for the petitioner and the learned

Additional Public Prosecutor for the respondent.

7. Considering the facts and circumstances of the case and also the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner. Accordingly, petitioner ***is ordered to be released on bail*** subject to the following conditions:

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

(ii) the petitioner shall appear before the respondent police weekly once i.e. First working day of every week at 10.30 a.m. until further orders;

(iii). If the petitioner involves in the similar offence in future, then the order of suspension of sentence shall automatically stands vacated.

11.06.2024

msv

Note to office: Issue order copy on 12.06.2024

Index : Yes/No

Speaking Order : Yes/No

NCC : Yes/No

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To

1. Principal Special Court under EC & NDPS Act, Chennai.
2. Superintendent, Central Prison
Puzhal, Chennai.
3. The Inspector of Police,
NIBCID, Chennai.
4. The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.

M.DHANDAPANI, J.



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