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*Crl.M.P.No.17922 of 2024
in Crl.A.No.1274 of 2024*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.17922 of 2024

in

Crl.A.No.1274 of 2024

Andisamy

... Petitioner /Accused

Vs.

The State Represented by
The Inspector of Police,
K11 CMBT Police Station,
Chennai.
(In Crime No.56/2021)

... Respondent / Complainant

PRAYER: Criminal Miscellaneous Petition has been filed under Section 389(1) of Cr.P.C. praying to suspend the sentence imposed in the judgment dated 06.02.2024 made in C.C.No.246 of 2021, on the file of the I Additional Special Court under EC and NDPS Act, Chennai and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.D.Mario Johnson

For Respondent : Dr.C.E.Pratap
Government Advocate (Crl. Side)



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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner in C.C.No.246 of 2021 by judgment dated 06.02.2024 on the file of I Additional Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The case of the prosecution is that the petitioner was found in illegal possession of 3.870 kgs. of ganja near CMBT Bus Stand Arch, Chennai on 05.03.2021 at about 10.00 a.m. and thus committed the offence under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act.

3. The petitioner/accused in Calendar Case No.246 of 2021 was convicted by the Trial Court by judgment dated 06.02.2024 for the offences under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act and sentenced to undergo 2 years rigorous imprisonment and to pay a fine of Rs.20,000/-, in default, to undergo 2 months rigorous imprisonment for the offence under Section 8(c) r/w 20(b)(ii)(B) of the NDPS Act. Aggrieved by the same, he filed



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Crl.A.No.1274 of 2024 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

4.The learned counsel for the petitioner would submit that the petitioner is in custody from 06.02.2024 pursuant to the conviction and considering the sentence of imprisonment by the trial Court and the fact that there are substantial grounds raised in the above appeal, the sentence of imprisonment may be suspended.

5. Heard the learned counsel for the petitioner as well as the learned Government Advocate (Crl. Side) appearing for the respondent and perused the counter filed by the respondent.

6. Considering the fact that petitioner has raised substantial grounds in the above appeal, which requires consideration and since the petitioner is in custody from 06.02.2024, this Court is inclined to grant the relief of suspension of sentence to the petitioner.



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7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended till the disposal of the above Criminal appeal and the petitioner is ordered to be released on bail on the following conditions:

- (i) The petitioner shall execute a bond for a sum of Rs.10,000/-, with two sureties, each for a like sum to the satisfaction of the learned I Additional Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai;
- (ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity; and
- (iii) The petitioner shall appear before the trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

16.12.2024

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Issue order copy by 17.12.2024
Upload the order copy forthwith.



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To

- 1.The I Additional Special Judge,
I Additional Special Court for Exclusive Trial of Cases under NDPS Act,
Chennai.
- 2.The Superintendent,
Central Prison,
Salem.
- 3.The Inspector of Police,
K11 CMBT Police Station,
Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

rsi

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