



Crl.M.P.No.17222 of 2024
in
Crl.A.No.1518 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 4/12/2024

C O R A M

THE HONOURABLE Mr.JUSTICE SUNDER MOHAN

Crl.M.P.No.17222 of 2024
in
Crl.A.No.1518 of 2024

R. Jayakumar ... Petitioner/Accused No.1
Vs

State
rep. By

The Deputy Superintendent of Police
Organized Crime Unit – I
Crime Branch, CID
Chennai.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430 (1) r/w. 483 of BNSS 2023, to suspend the sentence imposed against the petitioner in S.C.No.14 of 2018 on the file of the learned I Additional District and Sessions Judge, Vellore, Vellore District dated 26/11/2024 and enlarge the petitioner on bail pending disposal of Crl.A.No.1518 of 2024.



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in
CrI.A.No.1518 of 2024

For Petitioner : Mr.E.Kannadasan
For Respondent : Dr.C.E.Pratap
Government Advocate (CrI. Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed against the petitioner in S.C.No.14 of 2018 on the file of the learned I Additional District and Sessions Judge, Vellore, Vellore District dated 26/11/2024 and enlarge the petitioner on bail pending disposal of CrI.A.No.1518 of 2024.

2. It is the case of the prosecution that the petitioner along with other accused had entered into a conspiracy to purchase spurious tablets at a cheaper rate and to sell them in open market and the tablets were sold by A.3. The petitioner was convicted for the offence under Sections 120 (B) of IPC r/w. Section 18 (c) r/w. 27 (b) (ii) of Drugs and Cosmetics Act, 1940 and sentenced to undergo imprisonment for three years and to pay a fine of Rs.1,00,000/- in default to undergo imprisonment for three months and



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under Section 18 (c) r/w. 27 (b) (ii) of Drugs and Cosmetics Act, 1940 and sentenced to undergo imprisonment for three years and to pay a fine of Rs.1,00,000/- in default to undergo imprisonment for three months.

3. Heard Mr.E.Kanndasan, learned counsel for the petitioner and Dr.C.E.Pratap, Government Advocate (Criminal Side) for the respondent.

4. The learned counsel appearing for the petitioner submitted that due to non-payment of the fine amount before the trial Court, sentence was not suspended by the trial Court, and that subsequently, on 28/11/2024, he paid Rs.2 lakhs, before the trial Court, and hence, prayed for suspension of sentence.

5. Considering the fact that the petitioner had raised several arguable points in the above appeal and also paid the fine amount and is in custody from 26/11/2024, and the fact that the appeal is not likely to be taken in near future, this Court is inclined to grant the relief of suspension of sentence.



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6. Accordingly, this Criminal Miscellaneous Petition stands allowed and the sentence imposed on the petitioner, is suspended till the disposal of the Criminal Appeal and he 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/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Vellore,

(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;

(iii) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m until further orders 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



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trial Court on any other day in lieu of the date of his absence, as directed by
the trial Court.

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mvs.

Index: Yes/No

Neutral Citation: Yes/No

To

1. I Additional District and Sessions Judge, Vellore, Vellore District
2. The Deputy Superintendent of Police
Organized Crime Unit – I
Crime Branch, CID
Chennai.
3. The Public Prosecutor,
Madras High Court.
4. The Superintendent
Central Jail, Vellore



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SUNDER MOHAN, J

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