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CRL MP. 17710 of 2024 in
CRL A NO.1569 OF 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-12-2024

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL MP NO. 17710 of 2024

IN CRL.A.NO.1569 OF 2024

Mohamed Amanullah Dhathani
S/o. Late. Asathullah, No.4, Chetty Naicken
Street, Saidapet, Vellore.

Appellant(s)

Vs

Deputy Superintendent Of Police,
Organised Crime Unit-i, Crime Branch CID,
Chennai - 600 016. Cr.No.02/2011.

Respondent(s)

For Appellant(s) : Mr.A.M.Venkata Krishnan
For Respondent : Dr.C.E.Pratap,
Govt. Advocate (Crl.Side)

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the conviction and sentences imposed on the petitioner in S.C.No.14 of 2018 dated 26.11.2024 by the I Additional District and Sessions Judge, Vellore, Vellore District and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

2. The case of the prosecution is that the respondent, on information, inspected the premises at Door No.40, Marakadai Kandappa Mudali Street,



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Velapadi, Vellore in which the first accused was a tenant; that during the course of investigation, drugs namely Taxim O-200 mg tablets and Glucored Forte Tablets were kept for sale in the unlicensed premises; that when the drugs were sent for chemical analysis, it was found be not of standard quality; that on information from A.1, it was found that the drugs were purchased from the petitioner/A.2.

3. The petitioner/Accused in S.C.No.14 of 2018 was convicted by the Trial Court and sentenced to undergo three years Imprisonment and to pay a fine of Rs.1,00,000/- for the offence u/s 120B IPC r/w 18 © r/w 27(b)(ii) of Drugs and Cosmetics Act 1940 and in default to undergo three months imprisonment; for the offence u/s 18(c) r/w 27(b)(ii) of Drugs and Cosmetics Act 1940 r/w 109 IPC, sentenced to undergo 3 years rigorous imprisonment and to pay a fine of Rs.1,00,000/-, in default to undergo imprisonment for three months and for offence u/s 18(a)(i) r/w 27(c) of Drugs and Cosmetics Act 1940, sentenced to undergo 7 years imprisonment and to pay fine of Rs.3,00,000/-, in default to undergo imprisonment for three months. Aggrieved by the same, the petitioner/A.2 filed Crl.A.No.1569 of 2024 along with the instant miscellaneous petition seeking suspension of sentence and bail.



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4. The learned counsel for the petitioner would submit that the petitioner has raised substantial grounds in the above appeal which requires consideration; that the petitioner is unable to pay the huge fine amount of Rs.5,00,000/- imposed by the trial court. The learned counsel further submitted that the sentence imposed on A.1 was already suspended by this Court on 04.12.2024 in Crl.MP No.17222 of 2024 in Crl.A.No.1518 of 2024 and sought for suspension of sentence.

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

6. Considering the fact that the petitioner has raised substantial grounds in the above appeal which requires consideration; that the petitioner is in custody from 26.11.2024 and that the appeal is not likely to be taken up in the near future and that this court has already suspended the sentence imposed on the co-accused/A.1, this Court is inclined to grant the relief of suspension of sentence to the petitioner. However, the petitioner cannot be exempted from payment of fine.



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7. Accordingly, this criminal miscellaneous petition stands **allowed** and the sentence imposed on the petitioner is suspended and the petitioner is ordered to be released on bail on the following conditions

- (i) The petitioner shall pay the entire fine amount of Rs.5,00,000/- to the credit of S.C.No.14 of 2018 on the file of the I Additional District and Sessions Judge, Vellore, Vellore District;
- (ii) 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 District and Sessions Judge, Vellore, Vellore District;
- (iii) 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
- (iv) 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.

20.12.2024

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Issue order copy by 20.12.2024
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To

- 1.The I Additional District and Sessions Judge,
Vellore, Vellore District.
- 2.The Deputy Superintendent Of Police,
Organised Crime Unit-i, Crime Branch CID,
Chennai - 600 016.
- 3.The Superintendent
Central Prison,
Vellore.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

rgt

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20.12.2024