



CRL MP(MD) No.1558 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twelfth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.1558 of 2024

IN

CRL A(MD) No.108 of 2024

RAMESH

... PETITIONER/ APPELLANT/ SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
NIB CID, MADURAI DISTRICT
CRIME NO. 106 OF 2010

... RESPONDENT/ RESPONDENT/ COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to suspend the sentence imposed on the petitioner / Appellant / Sole Accused namely Ramesh, S/o Ammasai passed by the learned I Additional Special court for NDPS Act Cases, Madurai in C.C No. 112 of 2011 dated 20.12.2023 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

Prayer in CRL A(MD).108/2024 :

To call for the records in C.C.No.112 of 2011 dated 20.12.2023 on the file of the learned I Additional Special Court for NDPS Act Cases, Madurai and set aside the same.

Order : This Criminal Miscellaneous petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of MR.M.JEGADEESH PANDIAN, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-



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The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned I Additional Special Judge for NDPS Act cases, Madurai in C.C.No.112 of 2011 dated 20.12.2023 and to enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

2. The case of the petitioner/accused is that he was convicted by the Special Court for NDPS Act Cases, Madurai in C.C.No.112 of 2011 on 20.12.2023 for the offences under Section 8(c) read with 20(b)(ii)(B) of 'the Narcotic Drugs and Psychotropic Substances Act, 1985)' [hereinafter referred to as 'NDPS Act' for the sake of convenience and brevity] and sentenced to undergo R.I. for 2 years and to pay a fine of Rs.10,000/- in default to undergo S.I. for a further period of 3 months. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel for the petitioner submitted that there is no corroboration between the evidence of prosecution witnesses and all the witnesses are official witnesses and no independent witnesses have been examined to prove the allegations levelled against the petitioner/accused. He further submitted that even during the trial, the petitioner has been incarcerated for more than 104 days and hence, the learned counsel prays for grant of suspension of sentence to the petitioner.



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4. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor would submit that there are enough materials available on record against the petitioner and hence, opposed for allowing the petition.

5. Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondent and perused the materials available on record.

6. Considering the arguable points of the petitioner and the facts and circumstances of the case, this Court is of the prima facie view that the sentence is to be suspended pending this Appeal.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the I Additional Special Court for NDPS Act Cases, Madurai, in C.C.No.112 of 2011 dated 20.12.2023 alone is suspended, subject to the following conditions:-

i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like-sum to the satisfaction of the learned I Additional Special Judge for NDPS Act Cases, Madurai;

ii) The petitioner shall appear and sign before the learned I Additional Special Judge for NDPS Act Cases, Madurai, on the first working day of every English calendar month at 10.30 a.m., until further orders.



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iii) In case, if the petitioner is unable to appear before the Court on the first working day of a month, he shall appear on the next working day.

iv) The petitioner shall furnish his residential address and mobile number to the Trial Court i.e., learned I Additional Special Judge for NDPS Act Cases, Madurai.

v) On breach of any of the aforesaid conditions, the learned Special Judge is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the appellant released on bail by the learned Special Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]; and

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A of IPC.

8. Subject to the above conditions, this Criminal Miscellaneous Petition is allowed.

sd/-
12/03/2024
/ TRUE COPY /

13/03/2024
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN



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TO

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1 THE I ADDITIONAL SPECIAL JUDGE FOR NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE, NIB CID, MADURAI DISTRICT.

3 THE SUPERINTEDENT, CENTRAL PRISON, MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-3080[I] dated 12/03/2024)

ORDER

IN

CRL MP(MD) No.1558 of 2024

IN

CRL A(MD) No.108 of 2024

Date :12/03/2024

RS//SAR-(13.03.2024) 5P 6C

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