



CRL MP(MD) No.2300 of 2024

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

Friday, the Twenty Third day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

Crl.M.P.(MD) No.2300 of 2024

in

Crl.A.(MD)No.773 of 2023

AMARESAN

... PETITIONER/PETITIONER/
APPELLANT

Vs

State Rep.by
THE INSPECTOR OF POLICE
NIB CID, THENI,
THENI DISTRICT.
CR.NO.42/2020

... RESPONDENT/ RESPONDENT/
RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to grant an order of interim Suspension of Sentence the sentence imposed on the petitioner appellant in C.C.No.308/2020 on the file of the 2nd Additional Special Court for NDPS Act cases Madurai dt 05.06.2023 and enlarge him on bail for the limited period of two weeks pending disposal of the instant criminal appeal in Crl.A(MD) No.773 of 2023 for attending the last rituals of his father in law and thus render Justice.

Prayer in CRL A(MD). 773/ 2023 :

To call for the records and set aside the Order in C.C.No.308/2020 dated 5.6.2023 on the file of the 2nd Additional Special Court for NDPS Act Cases, Madurai by allowing this appeal.

<https://www.mhc.tn.gov.in/judis>



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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 M/S.SAMIDURAI K, Advocate for the petitioner and of MR.A.THIRUVADI KUMAR, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

The petitioner has filed this Criminal Miscellaneous Petition praying to suspend the sentence passed against him by the learned II Additional Special Judge for NDPS Act cases, Madurai in C.C.No.308 of 2020 dated 05.06.2023 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.308 of 2020 on 05.06.2023 for the offences under Section 8(c) read with 20(b)(ii)(c) 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 10 years and to pay a fine of Rs.1,00,000/- in default to undergo S.I. for a further period of one year. Thereafter, the petitioner/accused has preferred an appeal in C.A.No.773 of 2023 and the same was posted on 04.03.2024. While being so, the father-in-law of the petitioner/accused died on 09.02.2024 at Cumbum. Hence, the petitioner has preferred the present Criminal Miscellaneous Petition seeking interim suspension of



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sentence.

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3. The learned counsel for the petitioner submitted that the petitioner's father-in-law died on 09.02.2024. He further submitted that the petitioner wants to perform the rituals on account of the demise of his father-in-law. His sister-in-law's husband, who was also an under trial prisoner has been granted interim bail by this Court in CrI.O.P.No.4112 of 2024 on 19.02.2024 and hence, learned counsel prays to grant interim bail to the petitioner.

4. This Court has considered the submissions made by the learned counsel for the petitioner.

5. The learned Additional Public Prosecutor, on verification, affirmed the above said submission made by the learned counsel for the petitioner.

6. Considering the facts and circumstances of the case, this Court is inclined to grant an order of interim suspension of sentence for a period of two weeks i.e., 27.02.2024 to 13.03.2024. Accordingly, the petitioner/accused Amaresan, Son of Sadaiya Thevar, in Crime No.42 of 2020 is hereby directed to be released on Interim



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Bail for a period of fifteen days starting at 08.00 a.m. on 27.02.2024 till 5.00 p.m., on 13.03.2024 and the petitioner/accused is directed to surrender before the Superintendent of Prison, Central Prison, Madurai at 5.00 p.m. on 13.03.2024.

7. During the period of interim bail, the petitioner shall be escorted by a police constable and the expenses towards the same to be borne by the petitioner.

8. List the matter for reporting compliance on 14.03.2024.

sd/-
23/02/2024

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27 /02 /2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN
To

1. The II Additional Special Judge for NDPS Act cases,
Madurai.

2.The Inspector of Police,
NIB-CID, Theni, Theni District.



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3. The Superintendent,
Central prison,
Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-2305[I] dated 23/02/2024)

ORDER
IN
Crl.M.P.(MD) No.2300 of 2024
in
Crl.A.(MD)No.773 of 2023
Date :23/02/2024

SSA//SAR-(27.02.2024) 5P 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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