



Crl.MP(MD)No.10507 of 2024 in Crl.A(MD)No.791 of 2023

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**G.ILANGOVAN, J**

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the II Additional Special Court for NDPS Act Cases, Madurai, in CC No.365 of 2021, dated 27/04/2023 and enlarge the petitioner on bail, pending disposal of the above said Criminal Appeal.

**2.The case of the prosecution in brief:-**

PW1 was the Sub Inspector of Police attached to Thirumangalam Town Police Station. He received a secret information on 24/04/2021 at about 11.00 am. After making entry in the General Diary, along with the police team he went to the place of occurrence namely Maravankulam Kanmai Bye-pass Bridge. At that time, he found two persons standing nearby an Auto bearing registration No.TN-58-V-7848 in a suspicious manner. On enquiry, they revealed their name as Thanush @ Thanushkudi and Ranjith Kumar. A search was made, wherein they were found in possession of 15 kgs of Ganja. Sampling was taken as per the procedure. After completing the official formalities, a case in Crime No.164 of 2021 was registered by the respondent police for the offences under section 8(c) r/w 20(b)(ii)(C) and 29(1) of NDPS Act.



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3.After completion of investigation, final report was filed before the II Additional Special Judge for NDPS Act Cases, Madurai and the same was taken on file in CC No.365 of 2021.

4.Before the trial Court, on the side of the prosecution, 4 witnesses were examined and 10 documents were marked. Apart from that, 10 material objects were marked. On the side of the accused, 5 witnesses were examined and 3 documents were marked.

5.At the conclusion of the trial process, the trial court found the accused guilty of the offence under section 8(c) r/w 20(b)(ii)(C) of NDPS Act and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.1,00,000/-, in default to undergo simple imprisonment for a period of 12 months.

6.Challenging the conviction and sentence, this appeal is preferred by the appellant. Pending appeal, seeking suspension of sentence, this petition is filed by this petitioner.

7.Heard both sides.



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8.A detailed order was passed in Crl.MP(MD)Nos.4855 and 4856 of 2024 in Crl.A(MD)No.445 of 2024, dated 04/09/2024, which was moved by the co-accused.

9.The learned counsel appearing for the petitioner would submit that this petitioner is also standing on the very same footing. He was secured in Crime No.160 of 2021 even before the date of the alleged occurrence. That was the plea raised by the co-accused in the above said Criminal Miscellaneous Petitions. After considering all those aspects and the materials available on record, Crl.MP(MD)No.4856 of 2024, which was filed seeking suspension of sentence was allowed, since Crl.MP(MD)No.4855 of 2024 was allowed, which was filed for adducing additional evidence.

10.So, extending the rule of parity, this criminal miscellaneous petition is **allowed** and the substantive sentence of imprisonment alone is suspended and the petitioner is directed to be enlarged on bail on condition that he 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 II Additional Special Court for NDPS Act cases, Madurai and on further



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condition that the petitioner shall appear before the said Court daily at 10.30 am until further orders.

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19/10/2024

Index:Yes/No  
Internet:Yes/No

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To,

- 1.The II Additional Special Court  
for NDPS Act Cases, Madurai.
- 2.The Inspector of Police,  
Tirumangalam Town Police Station,  
Madurai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.
- 4.The Superintendent,  
Central Prison,  
Madurai.



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