



CRL MP(MD) No.10665 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Saturday, the Nineteenth day of October Two Thousand and Twenty Four
PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL MP(MD) No.10665 of 2024

IN

CRL A(MD) No.818 of 2024

1 S.MURUGAN

2 N.MANIKANDAN ... PETITIONERS/ APPELLANTS/ ACCUSED 1 & 2

Vs

THE INSPECTOR OF POLICE,
NIB-CID,
SIVAGANGAI DISTRICT.
(CRIME NO. 13/2015)

... 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 by the Honorable Court by judgment dt 14.08.2024 in C.C.No. 19 of 2016 on Honorable Additional District and Sessions Judge Presiding Officer, Pudukottai and enlarge the petitioner on bail pending disposal of the criminal appeal.

Prayer in CRL A(MD) No.818 of 2024:

Pleased to allow the above appeal and call for the records set aside the conviction and sentence passed by judgment dated 14.08.2024 in C.C.No.19 of 2016 of Honorable Additional District and Sessions Judge Presiding Officer, Pudukottai and acquit the appellant herein of all the charges.

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.NA MANIMARAN, Advocate for the petitioner and of Mr.R.MEENAKSHI

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



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SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Additional District and Sessions Judge / Presiding Officer Special Court for EC and NDPS Act Cases, Pudukottai, in C.C.No.19 of 2016 dated 14.08.2024.

2. Learned counsel for the petitioner submitted that the petitioner, who is the accused in this case, has been found guilty and convicted by the learned judge, for the offence under Section 8(c) read with 20(b)(ii)(B) of NDPS Act and to undergo 2 years rigorous imprisonment each and also directed to pay Rs.5000/-, in default to undergo one month simple imprisonment. Set off under Section 428 Cr.P.C. was also ordered.

3. The case of the prosecution in brief is that on 22.03.2015 at 10.00 Hours, he received a secret information about the illegal transport of Ganja in the place of occurrence. Along with the police team, he went to the place of occurrence near Aranthangi bus stand at about 1.00 p.m. on that day. The informer identified two persons standing in a suspicious manner, they were surrounded and on enquiry they revealed their name as Murugan and Manikandan. A search was made on suspicion. They were found in possession of 5 Kgs of Ganja. Sampling was undertaken as per the procedure. After completing the formalities, a case was registered and final report was also filed before the trial court after completing the investigation process.



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4. Before the trial Court, on the side of the prosecution 4 witnesses have been examined, 13 documents were marked. Apart from that 10 material objects were marked. On the side of the accused no witness was examined and no document was marked.

5. Challenging the above said conviction and sentence, appeal has been preferred by the petitioner / accused. Pending appeal, the petitioner has filed a petition seeking suspension of sentence.

6. Learned counsel for the petitioner would submit that only two years imprisonment is imposed upon the petitioner and only 5 Kgs were recovered from the possession of this petitioner.

7. Per contra, learned Additional Public Prosecutor would submit that the accused arrested and the judgment was the recent origin, no interference is called for.

8. Considering the fact that the judgment is a recent origin, this Court is not inclined to entertain this petition. Accordingly this Criminal Miscellaneous Petition is dismissed. The petitioner is at liberty to revive the petition after reasonable time.

sd/-

19/10/2024

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/10/2024

Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

1 THE ADDITIONAL DISTRICT AND SESSIONS JUDGE /
PRESIDING OFFICER,
SPECIAL COURT FOR EC AND NDPS ACT CASES,
PUDUKOTTAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

3 THE INSPECTOR OF POLICE,
NIB-CID,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL MP(MD) No.10665 of 2024

IN

CRL A(MD) No.818 of 2024

Date :19/10/2024

SA/JGB/SAR. /28.10.2024/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.