



CRL MP(MD) No.16708 of 2023

WEB COPY

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.16708 of 2023

in

CRL A(MD) No.1043 of 2023

KUBENDIRAN

... Petitioner / Appellant / Sole Accused

Vs

THE INSPECTOR OF POLICE  
NIB CID,  
THENI DISTRICT.  
(CRIME NO.43/2013).

... 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 Kubendiran, S/o.Muthu Thevar, passed by the Learned II Additional Spl.Court for NDPS Act Cases, Madurai in CC No.31/2016 dt.7/10/2023 and enlarge the petitioner on bail, pending disposal of the criminal appeal.

Prayer in CRL A(MD) No.1043 of 2023:

To call for the records in C.C.No.31 of 2016 dated 07.10.2023 on the file of the Learned II 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 M/s.M.JEGADEESH PANDIAN, Advocate for the petitioner and of



**CRL MP(MD) No.16708 of 2023**

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.31 of 2016 dated 07.10.2023 and to enlarge the petitioner on bail, pending disposal of the Criminal Revision Case.

2. It is submitted by learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.43 of 2013 on the file of the respondent/Inspector of Police, NIB CID, Theni District, for the offences punishable under Sections 8(C) read with 20(b) (ii) (B) and Section 25 of 'the Narcotic Drugs and Psychotropic Substances Act, 1985)' [hereinafter 'NDPS Act' for the sake of convenience and clarity] and the same was taken on file in C.C.No.31 of 2016 before the learned II Additional Special Judge for NDPS Act cases, Madurai. The petitioner was convicted and sentenced to three years rigorous imprisonment and fine of Rs.15,000/- with three months simple imprisonment in case of default. Learned counsel for the petitioner further submitted that official witnesses were only examined and the prosecution failed to corroborate the evidence of prosecution witnesses and accordingly, learned counsel prays for suspension of sentence.

3. Per contra, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor



**CRL MP(MD) No.16708 of 2023**

submitted that the petitioner has ten previous cases and accordingly, learned

WEB COPY

Prosecutor prays for dismissal of this petition.

4. Heard the learned counsel on either side and perused the materials available on record.

5. 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 Revision Case.

6. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned II Additional Special Judge for NDPS Act cases, Madurai in C.C.No.31 of 2016 dated 07.10.2023 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 II Additional Special Judge for NDPS Act cases, Madurai.

ii) The petitioner shall appear and sign before the learned II 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.



CRL MP(MD) No.16708 of 2023

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 ie., learned II Additional Special Judge for NDPS Act cases, Madurai.

7. Subject to the above conditions, this Petition is allowed.

sd/-  
03/01/2024

/ TRUE COPY /

/01/2024  
Sub-Assistant Registrar  
(C.S.I/II/III/IV)  
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 District.

3.The Superintendent,  
Central Prison, Madurai.

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



**CRL MP(MD) No.16708 of 2023**

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate ( SR-91[I] dated 03/01/2024 )

ORDER  
IN  
CRL MP(MD) No.16708 of 2023  
in  
CRL A(MD) No.1043 of 2023  
Date :03/01/2024

ED/ VR /SAR- (04/01/2024) 5P / 6C

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