



CRL MP(MD) No.18243 of 2023

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

Wednesday, the Seventh day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

Crl.M.P.(MD) No.18243 of 2023
in
Crl.A(MD) No.1127 of 2023

MEENA

(NOW CONFINED AT CENTRAL WOMEN PRISION,
MADURAI)

... PETITIONER/ APPELLANT NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
KODAL PUDUR POLICE STATION,
MADURAI CITY.
CRIME NO.1067 OF 2017.

... 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 suspend the sentence imposed by the I Additional Special Court for NDPS Act cases, Madurai passed in CC.No.215/2018 dated 23.08.2023 pending disposal of the criminal appeal.

Prayer in CRL A(MD). NO.1127 OF 2023:

To call for the records in C.C.No.215 of 2018 relating to the judgment dated 23.08.2023 passed by the I Additional Special Court for NDPS Act cases, Madurai and to set aside the judgment of the conviction on the appellant/accused.

<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.SELVAKUMAR.S, Advocate for the petitioner and of Mr.A.THIRUVADI KUMR, 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 imposed on her by the learned I Additional Special Court for NDPS Act Cases, Madurai, in C.C.No.215 of 2018 dated 23.08.2023 and to enlarge her on bail, pending disposal of the Criminal Appeal.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.1067 of 2017, on the file of the respondent/Inspector of Police, Koodal Pudur Police Station, Madurai City, for the offences punishable under Sections 8(c) read with 20(b) (ii) (B) of NDPS Act and the same was taken on file in C.C.No.215 of 2018 before the learned I Additional Special Court for NDPS Act Cases, Madurai. The petitioner was convicted and sentenced to undergo two years rigorous imprisonment and to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) with one month simple imprisonment in case of default. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Criminal Miscellaneous Petition



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seeking suspension of sentence.

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3. The learned counsel for the petitioner would submit that official witnesses were only examined and the prosecution failed to corroborate the evidence of prosecution witnesses and at the time of occurrence, the respondent has not at all followed the procedure as contemplated under the NDPS Act and no clinching material was available with the prosecution to prove the manner in which the seizure has been effected. The learned counsel further submitted that though the contraband was seized, it was not produced before the concerned Court within the time stipulated under the NDPS Act and except this case, there is no other case pending as against the petitioner and the previous cases as against the petitioner got acquittal. Therefore, the learned counsel prays for suspension of sentence of the petitioner. He further submitted that the petitioner is in judicial custody for the past five months.

4. The learned Additional Public Prosecutor appearing on behalf of the State submitted that the petitioner has involved in three similar previous cases and she is a habitual offender and she is in custody pursuant to the confirmation of conviction by the Court and hence, prays to dismiss the petition.



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

6. This Court finds force in the submission of the learned counsel for the petitioner. Considering the facts and circumstances of the case, this Court prima facie feels that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future, this Court is of the considered view that the petitioner herein is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned I Additional Special Court for NDPS Act Cases, Madurai, in C.C.No.215 of 2018 dated 23.08.2023 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 Court for NDPS Act Cases, Madurai.

ii) The petitioner shall appear and sign before the learned I Additional Special



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Court for NDPS Act Cases, Madurai, on the first working day of every English calendar month at 10.30 a.m., until further orders.

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

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

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

sd/-
07/02/2024

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07/02/2024
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1. THE I ADDITIONAL SPECIAL JUDGE, FOR NDPS ACT CASES, MADURAI
2. THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
MADURAI.



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3 THE INSPECTOR OF POLICE
KODAL PUDUR POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.J.JEYA ARON RAJA, Advocate (SR-1566[I] dated 07/02/2024)

ORDER
IN
CrI.M.P.(MD) No.18243 of 2023
in
CrI.A(MD) No.1127 of 2023

Date :07/02/2024

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