



CRL MP(MD) No.17671 of 2023

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

Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice VIVEK KUMAR SINGH

CRL MP(MD) No.17671 of 2023

IN

CRL A(MD) No.1104 of 2023

SELVAM

... PETITIONER/APPELLANT/SOLE ACCUSED

Vs

**THE INSPECTOR OF POLICE
NIB CID,
DINDIGUL DISTRICT.**

... 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 Selvam, S/o.Periyakaruppa Thevar, passed by the Learned II Additional Special Court for NDPS Act Cases, Madurai in CC.No.208 of 2015 dt.5.12.2023 and enlarge the Petitioner on bail, pending disposal of the Criminal Appeal.

PRAYER IN CRL.A(MD)No.1104/2023:

Pleased to call for the records in C.C.No.208 of 2015 dated 05.12.2023 on the file of the Learned II Additional Special Court for NDPS Act Cases, Madurai and set aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.JEGADEESH PANDIAN M, Advocate for the petitioner and of Mr.A.THIRUVADI KUMAR,



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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 Court for NDPS Act Cases, Madurai, in C.C.No.208 of 2015 dated 05.12.2023 and to enlarge him on bail, pending disposal of the Criminal Revision Case.

2. It is submitted by the learned counsel for the petitioner that a case has been registered against the petitioner in Crime No.121 of 2014, on the file of the respondent/Inspector of Police, NIB CID, Dindigul District, for the offences punishable under Sections 8(c) read with 20(b) (ii) (B) and 25 of NDPS Act and the same was taken on file in C.C.No.208 of 2015 before the learned II Additional Special Court for NDPS Act Cases, Madurai. The petitioner was convicted and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/- 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 Miscellaneous Petition seeking suspension of sentence.

3. The learned counsel for the petitioner would submit that 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



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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. Therefore, the learned counsel prays for suspension of sentence of the petitioner.

4. The learned Additional Public Prosecutor appearing on behalf of the State submitted that at the time of judgment, the petitioner pleaded guilty before the trial Court and hence, there is no possibility of case of acquittal and hence, prays to dismiss the petition.

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. 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 imposed on the petitioner has to be suspended pending this Criminal Revision Case.

7. Accordingly, this Criminal Miscellaneous Petition is allowed. The sentence imposed by the learned II Additional Special Court for NDPS Act Cases, Madurai, in C.C.No.208 of 2015 dated 05.10.2023 alone is suspended, subject to the following conditions:-



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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 Court for NDPS Act Cases, Madurai.

ii) The petitioner shall appear and sign before the learned II Additional Special Court for NDPS Act Cases, Madurai, on the first working day of every English calender 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, 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 Court for NDPS Act Cases, Madurai.

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

sd/-
11/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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RM
TO
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1 THE II ADDITIONAL SPECIAL JUDGE
FOR NDPS ACT CASES,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
NIB CID,
DINDIGUL DISTRICT.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-636[I] dated 11/01/2024)

ORDER
IN
CRL MP(MD) No.17671 of 2023
Date :11/01/2024

SA/SAR. /12.01.2024/5P/C

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