



Crl.M.P.No.1330 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2025

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THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

**Crl.M.P.No. 1330 of 2023**  
**in Crl.A.No.827 of 2022**

Nagaraj @ Pambu Nagaraj

... Petitioner

Vs.

State Rep.by  
The Inspector of Police,  
H-1, Washermenpet Police Station,  
Chennai – 600 081.

... Respondent

**PRAYER:** Criminal Miscellaneous Petition filed under Sections 389(1) of Cr.P.C., to suspend the sentences imposed in C.C.No. 38 of 2021 passed by the Principal Special Court under EC & NDPS Act, Chennai dated 04.07.2022 and enlarge the petitioner on bail, pending the disposal of the above appeal.

For Petitioner : Mr.K.Thenrajan

For Respondent : Mr.J.R.Archana  
Government Advocate (Crl.Side)

### **ORDER**

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of the sentence imposed in C.C.No. 38 of 2021 passed by the Principal Special Court under EC & NDPS Act, Chennai dated 04.07.2022.



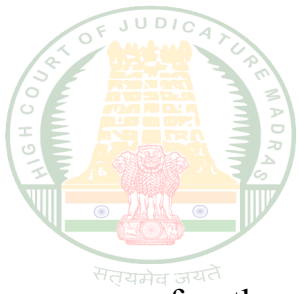
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2. The petitioner convicted for the offences punishable under Section 8(C) r/w 20(b)(ii)(c) of NDPS Act to undergo for a period of twelve years' imprisonment and imposed a fine of Rs.1,50,000/- in default to undergo further period of six months and offences under Section 29(1) of NDPS Act to undergo for a period of seven years' imprisonment and imposed a fine of Rs.50,000/- in default to undergo six months and sentence imposed on the petitioner are ordered to run concurrently.

3. When the matter came up for hearing, the learned counsel appearing for the appellant submitted that the appellant has a good case in the appeal. He stated that even during the trial, the petitioner was in custody from 18.07.2020 to 03.03.2022 and after the pronouncement of the judgment on 04.07.2022, the petitioner has continued to be in prison. Thus, the petitioner has undergone about 4 years and 7 months, which is more than one-third of the 12 year sentence imposed on him. He submitted that the appeal may take some more time to be heard on merits.

4. Per contra, the learned Government Advocate (Crl. Side) appearing



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for the respondent submitted that the prosecution has proved the offences beyond doubt and there is no ground for this Court to interfere in the appeal. She confirmed that the accused has undergone about 4 years and 7 months in custody. She further submitted that the appellant is a history sheeter with 15 cases to his name, including the present one and three more cases are still pending. Therefore, she opposed the suspension of sentence.

5. In reply, the learned counsel appearing for the appellant submitted that, out of the 15 cases mentioned in the tabular column in paragraph No. 12 of the counter affidavit, the appellant has been acquitted in 11 cases and conviction stands only in the present one. With respect to the three pending cases, final reports have only recently been filed. In Crime No. 278 of 2019 under Section 392 IPC, the charge sheet was filed on 23.07.2025. In Crime No. 1172 of 2019, the charge sheet was filed on 13.05.2024. The other case is pending in PRC and is listed on 11.08.2025. The petitioner undertakes to voluntarily appear before the XV Metropolitan Magistrate, George Town, Chennai.



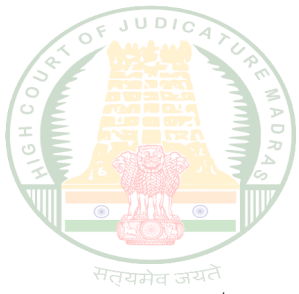
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6. The learned counsel would further submit that even though the petitioner was originally a history sheeter, one more opportunity can be given to the petitioner. The petitioner is said to have been involved in all these offences staying in the northern part of Chennai. Therefore, appropriate condition can be imposed on him to stay at Chengalpattu, so that the petitioner who is now being a reformed individual will lead life by indulging in proper labour and undertakes that he will not get involved in any further cases.

7. I have considered the rival submissions that are made in the instant case.

8. Though, the petitioner has a number of cases against him, the only factor in favour of the petitioner is that he has already undergone a sentence of 4 years and 7 months. Therefore, pending the appeal, he can be enlarged on bail. However, considering his background, this Court is imposing a condition mandating him to reside only in Chengalpattu, which shall not be relaxed pending disposal of the appeal. He will be overseen by the ***Mr.B.Praveenkumar, Probation officer, Chengalpattu, Department of Prisons and Correctional Services.*** As such, I deem it fit to suspend the



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sentence pending disposal of the appeal on the following conditions:-

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(i) The petitioner shall execute a bond for a sum of Rs.25,000/- with two sureties, each for a like sum to the satisfaction of the trial Court;

(ii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iii) The petitioner shall appear before the Trial Court on the first working day of every English Calendar month at 10.30 a.m., and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 355 of BNSS, 2023 and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court;

(iv) The petitioner shall appear without fail in PRC No.177 of 2025 on the next hearing date, i.e., 11.08.2025, on the file of the XV Metropolitan Magistrate, George Town, Chennai, and on all subsequent hearing dates.



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(v) The petitioner shall reside within the town of Chengalpattu and shall inform the respondent police of his residential address, whereabouts and the mobile number in use.

(vi) The petitioner shall also inform his address and contact details to the **Mr.B.Praveenkumar, Probation officer, Chengalpattu, Department of Prisons and Correctional Services**. The probation officer shall summon the petitioner and visit him at his place of residence and work, if any and ensure that the petitioner is being periodically supervised.

(v) The petitioner shall not get involved in any further case. If he is again involved in any such case, this Court will reconsider the matter.

(vi) The petitioner shall report before the Secretary, Legal Services Authority, Chengalpattu, once a month. The Secretary shall make enquiries regarding the petitioner's whereabouts, his avocation for livelihood and also coordinate with the probation officer for supervision and guidance.

(v) It is also open to the investigating officer in the present case to supervise and ensure that the petitioner is engaged in a lawful avocation.



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9. Accordingly, the Criminal Miscellaneous Petition stands ordered.

**31.07.2025**

nsI

To

1. The Principal Special Court under EC & NDPS Act,  
Chennai.
2. XV Metropolitan Magistrate, George Town, Chennai,
2. The Inspector of Police,  
H-1, Washermenpet Police Station,  
Chennai – 600 081.
3. The Public Prosecutor,  
High Court of Madras.
4. Mr.B.Praveenkumar,  
Probation officer,  
Department of Prisons and Correctional Services.  
181/4, Kamarajar Nagar, 4<sup>th</sup> Street,  
Opposite to Medical College,  
Chengalpattu.
5. The Secretary,  
Legal Services Authority, Chengalpattu.



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**D.BHARATHA CHAKRAVARTHY, J.**  
nsl

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