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CRL MP No. 14573 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-11-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 14573 of 2025

AND

CRL A NO. 398 OF 2023

1. K.Pakiyam

W/o.Kumaraiya, No.5/22, Chinthamani
Road, Sangupillai Madam, Madurai -
01.

Petitioner(s)

Vs

1. The State, represented by
Intelligence Officer, Narcotic Control
Bureau, Chennai Zonal Unit, Chennai -
600 090.

Respondent(s)

PRAYER

To SUSPEND THE SENTENCE imposed in C.C.No.4 of 2018 dated 27.5.2022 passed by the Court of the Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and ENLARGE THE PETITIONERS ON BAIL, pending disposal of the above Crl.Appeal on the file of this Honble Court.

CRL MP No. 14573 of 2025

For Petitioner(s): R.Sankarasubbu
 A.Ramesh
 P.Loganathan
 A.Sivakumar Alias Sivaaji
 S.Jeevanantham
 S.Mathivanan



For Respondent(s): Public Prosecutor

ORDER

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This petition has been filed to suspend the sentence imposed in C.C.No.4 of 2018 dated 27.5.2022 passed by the Court of the Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai and enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

2. The petitioner herein is the accused in C.C.No. 4 of 2018 on the file of the learned Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai. He was found guilty of the offences under Section 8 (c) r/w 20(b)(11)(C) and 25 of NDPS Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	8 (c) r/w 20(b)(11)(C) NDPS Act	to undergo rigorous imprisonment for a period of 10 years and to pay fine of Rs.1,00,000/-, in default to undergo Rigorous imprisonment for three months.
2	8 (c) r/w 25 of NDPS Act	to undergo rigorous imprisonment for a period of 10 years and to pay fine of Rs.1,00,000/-, in default to undergo Rigorous imprisonment for three months.

Aggrieved by the same, the petitioner has filed this appeal along with the present miscellaneous petition.



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3. The learned counsel for the petitioner submits that the petitioner is aged about 68 years based on the confession of other accused the petitioner has been implicated in this case. Further, the petitioner is in jail for the past 8 years 4 months and she suffered with diabetes and she lost her eye sight to that effect the petitioner filed the medical officer report. Further, he submits that other two accused were released on bail. Hence, he prays to allow this petition.

4. The learned Additional Public prosecutor submits that the contraband seized from the petitioner is huge quantity and the petitioner was actively participated in the offence. Besides, the petitioner is having other cases in Madurai in that case 2 kgs of Ganja involved and she has been convicted to that effect he produced the copy of the judgement which reads as follows:

" In the result, this Court holds that the accused is guilty of the offence punishable under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, convicts her of the said offence and after taking into consideration of her submissions on plea of sentence and for the reasons stated in the above paragraph, this Court sentence her under Section 248(2) Cr.P.C to undergo Rigorous Imprisonment for 3 years and to pay a fine of Rs.10,000/-, in default to undergo Simple Imprisonment for further period of two weeks. The accused was in judicial custody in



this Case from 28.03.2016 to 29.06.2016. The period of incarceration already undergone by the accused is hereby ordered to be set off under Section 428 of Cr.P.C

5. The learned Additional Public prosecutor submits that as claimed by the petitioner's counsel there is no observation was made by Trial Court in C.C No. 295 of 2016 to run the sentence concurrently along with present case. Hence, he raised objection to allow this appeal.

6. Considering the facts and circumstances of the case and also considering the age of the petitioner and the petitioner is in jail for the past 8 years. Further this criminal appeal is not likely to be taken for final hearing in the near future, this Court is of the view that the substantive sentence of imprisonment alone can be suspended on certain conditions. Further, in respect of sentence run concurrently with other case the the liberty is granted to the petitioner to approach the appropriate forum.

7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment imposed by the learned trial Judge is alone suspended and bail are granted on the following conditions:

(a) The petitioner/accused is ordered to be released on bail, on their executing a separate 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 Special Judge, I



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Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai. Further, the petitioner shall deposit half of fine amount a sum of Rs.1,00,000/- before the Trial Court and the petitioner shall cooperate for the other proceedings pending before the Court.

(b) The petitioner/accused and the sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the Magistrate may obtain a copy of their Aadhaar Cards or Bank Pass Books to ensure their identities.

(c) The petitioner shall appear before the Trial Court on the every Friday at 10.30 a.m., until the disposal of the Criminal Appeal and if the petitioner is not able to appear before the trial Court on any day, they shall make arrangements to file an application under Section 317 Cr.P.C. 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.

8. With the above directions, this Criminal Miscellaneous Petition is ordered.

25-11-2025

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1. The Special Judge, I Additional Special Court for Exclusive Trial of Cases under NDPS Act, Chennai.
2. The Intelligence Officer, Narcotic Control Bureau, Chennai Zonal Unit, Chennai - 600 090.
3. The Women Cell Puzhal, Chennai – 66.



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4. The Public prosecutor, High Court, Madras.

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T.V.THAMILSELVI J.

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