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Crl.M.P.No.16149 of 2025 in Crl.A.No.203 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2025

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.16149 of 2025

in

Crl.A.No.203 of 2025

Kannan

...Petitioner

Vs.

State Represented by,
The Inspector of Police,
NIB-CID,
Villupuram,
Crime No.32/2021.

... Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence awarded to the petitioner in Judgment dated 26.12.2024 passed in Special Case No.14 of 2021 by the Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act, Cases, Villupuram, pending disposal of the Appeal and enlarge the petitioner on bail.

For Petitioner : Mr.C.Munusamy

For Respondent : Mr.S.Raja Kumar

Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in Special Case No.14 of 2021 dated 26.12.2024 on the file of the Special Court for Trial of Narcotic Drugs and



Psychotropic Substances Act, Cases, Villupuram.

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2. The petitioner is arrayed as an accused in Special Case No.14 of 2021 on the file of the Special Court for Trial of Narcotic Drugs and Psychotropic Substances Act, Cases, Villupuram. The petitioner was found guilty and he has been convicted and sentenced as under:-

S.No.	Conviction	Sentence
1.	Section 8(b) read with 20(a)(i) of NDPS Act	To undergo rigorous imprisonment for a period of 10 years and is liable to pay fine of Rs.1,00,000/-.

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

3. The learned counsel for the petitioner/accused would submit that there are arguable points available in the Criminal Appeal and the petitioner/accused has got a fair chance of succeeding in the Criminal Appeal and hence, the substantive sentence imposed against the petitioner/accused may be suspended. He would submit that the petitioner is ready to abide the condition imposed by this Court.

4. Per contra, the learned Additional Public Prosecutor appearing for the



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respondent/State raised serious objection for allowing this petition. Further, he would contend that the evidences recorded from the prosecution witnesses would prove the case of the prosecution beyond reasonable doubt. According to him, interference of this Court is not necessary in the findings arrived at by the trial Court.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, the petitioner has failed to make out a prima facie case for grant of suspension of sentence and this Court is not inclined to grant suspension of sentence imposed by the Trial Court.

7. In the result, this Criminal Miscellaneous Petition is dismissed.

28.08.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
mn



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G.K.ILANTHIRAIYAN, J.

mn

To

1. The Special Court for Trial of Narcotic Drugs
and Psychotropic Substances Act, Cases,
Villupuram.
2. The Inspector of Police,
NIB-CID,
Villupuram.
3. The Public Prosecutor,
Madras High Court,
Chennai.

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