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*Crl.M.P.No. 15553 of 2025
in Crl.A.No.1239 of 2025*

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2025

CORAM:

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

Crl.M.P.No. 15553 of 2025
in
Crl.A.No.1239 of 2025

V.R.Vijayakumaran

...Petitioner

Vs.

The State by its
The Drug Inspector,
Pallipattu Range,
Thiruvallur Zone

...Respondent

PRAYER: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS act to suspend the sentence imposed upon the petitioner/appellant by the learned 1st Additional District and Sessions Judge, Thiruvallur, in S.C.No.48 of 2023 by the judgment dated 23.07.2025 pending disposal of the appeal.

For Petitioner : Mr.K.Seetharam

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

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This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed by the learned 1st Additional District and Sessions Judge, Thiruvallur, in S.C.No.48 of 2023 by the judgment dated 23.07.2025 pending disposal of the above appeal.

2. The petitioner herein is the accused in S.C.No.48 of 2023 on the file of the 1st Additional District and Sessions Judge, Thiruvallur, He was found guilty of the offences under Section 18(c) of Drugs and Cosmetics Act, 1940 which is punishable under Section 27(b)(ii) of the said Act and Section 18A of Drugs and Cosmetics Act, 1940 punishable under Section 28 of the said Act and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	Section 18(C) of Drugs and Cosmetics Act, 1940 punishable under Section 27(b)(ii) of the said act	To undergo rigorous imprisonment for a period of three years and to pay fine of Rs.1,00,000/-, in default to undergo simple imprisonment for six months.
2	Section 18A of the Drugs and Cosmetics Act,	to undergo rigorous imprisonment for a period of one year and to pay fine of Rs.20,000/-, in default to undergo simple



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S.No.	Conviction	Sentence
	punishable under Section 28 of the said Act.	imprisonment for another three months.

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

3. The learned counsel for the petitioners/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 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 the learned counsel appearing on either side and also



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perused the materials placed on record.

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6. Considering the facts and circumstances of the case coupled with the quantum of punishment imposed upon the petitioners, also by considering the submissions of the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police, 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.

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 his 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 1st Additional District and Sessions Judge,



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(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 as and when required until the disposal of the Criminal Appeal 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 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.

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



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G.K.ILANTHIRAIYAN, J.

To

1. The 1st Additional District and Sessions Judge,
Thiruvallur,
2. The State by its
The Drug Inspector,
Pallipattu Range,
Thiruvallur Zone
3. The Public Prosecutor,
Madras High Court,
Chennai.

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