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CRL MP No. 17220 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL MP No. 17220 of 2025

AND

CRL A NO. 350 OF 2025

A.Sathish

S/o. Ravi, No.13, 5th Street, Srinivas

Nagar, Kolathur, Chennai.

Petitioner(s)

Vs

The State Rep by its,Inspector of Police

NIB CID , Kanchipuram, Crime No.

22/2020.

Respondent(s)

CRL MP No. 17220 of 2025

PRAYER

To suspend the sentence imposed in CC.No. 110/2020 dated 28/03/2025 on the file of II nd Additional Special Court for Exclusive Trial of Cases Under NDPS Act, Chennai 104 and enlarge the pettioner on bail pending disposal of the above appeal in Crl.A.No.350/2025 on the file of thus Hon'ble Court to secure the ends of justice.



CRLA No. 350 of 2025

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PRAYER

To set aside the conviction and sentence of the trial court in CC.No.110/2020 dated 28.03.2025 on the file of II Additional Special Court for Exclusive Trial of Cases under NDPS Act at Chennai.

For Petitioner(s): Mr. R.Sankarasubbu

For Respondent(s): Mr.V.Meganathan,
Govt. Advocate (Crl. Side)

ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in C.C.No.110 of 2020 dated 28.03.2025 on the file of the II Addl. Special Court for Exclusive trial of cases under NDPS Act, Chennai and enlarge the petitioner on bail.

2. The petitioner is accused in C.C.No.110 of 2020 on the file of the II Addl. Special Court for Exclusive trial of cases registered under NDPS Act, Chennai. He was found guilty for the offences punishable under Sections 8(c)



r/w 20(b)(ii)(C) of NDPS Act and sentenced him to undergo rigorous imprisonment of 10 years and to pay a fine of Rs.1,00,000/- and in default to undergo simple imprisonment for further 3 months. Aggrieved by the same, the petitioner had filed this appeal along with the present miscellaneous petition.

3. The learned counsel for the petitioner/accused would submit that he has been falsely implicated in this case as if he was found in possession of 23 kgs. of contraband and he is in custody from 20.30.2020 to 02.09.2024 and thereafter from 28.03.2025 to till date, thereby, before conviction, he was in prison for more than 5 years and after conviction, he was remanded from 28.03.2025. He would further submit that his mother and wife would execute sureties for him and since he is a coolie, he is not able to pay the fine amount and prayed that the payment of fine amount also may be suspended. He 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.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that totally two accused involved in this case and the petitioner is arrayed as A1. He would further submit that after the trial, the trial court found guilty of this petitioner alone and A2 was acquitted, since the



recovery was made from this petitioner. Hence, he would vehemently opposed to suspend the sentence imposed on the petitioner.

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5. Heard the learned counsel appearing for the petitioner and learned Government Advocate (Crl. Side) and perused the materials placed on record.

6. On seeing the facts, it reveals that the petitioner was in judicial custody from 20.03.2020 to 02.09.2024 and thereafter, from 28.03.2025 to till date, thereby, before conviction for more than 5 years, he was in judicial custody and after conviction, he was remanded. According to the petitioner, he has been falsely implicated in this case as if he was found in possession of 23 kgs. of contraband. After the trial, the trial court was found guilty of this petitioner alone and A2 was acquitted, since the recovery was made from this petitioner. Hence, the prosecution raised objections, but the fact reveals that nearly about 5 years, he is in judicial custody and as per the submission of prosecution, no previous case pending against him and as per the findings of trial court, 10 years Rigorous imprisonment was imposed. So, half of the terms of punishment was completed inside the prison. Considering that and considering the fact that he is having valid defence and also by considering the submissions of the learned counsel for the petitioner, further this criminal appeal is not likely to be taken for final hearing in the near future and also the fact that since he is a coolie, he is not able to pay the fine amount, this Court is of the view that the substantive



sentence of imprisonment including the fine amount can be suspended on certain conditions,.

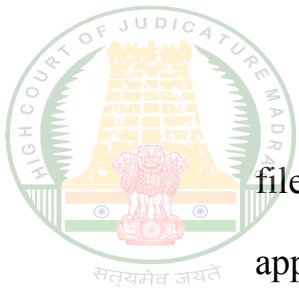
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7. Accordingly, till the disposal of the Criminal Appeal, the substantive sentence of imprisonment including the fine amount imposed by the learned trial Judge is suspended and bail is granted on the following conditions:

(a) The **petitioner**/accused is ordered to be released on bail, on his executing a bond **for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)** with two sureties, who are the petitioner's mother and wife, each for a like sum to the satisfaction of the II Addl. Special Court for Exclusive trial of cases registered under the NDPS Act, Chennai.

(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 daily at 10.30 a.m., for a period of 30 days and thereafter, on the first working day of every English Calendar month at 10.30 a.m., 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 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.

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

16-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. The Addl. Special Court for Exclusive trial of cases under NDPS Act Chennai.
2. The Inspector of Police, NIB CID, Kanchipuram.
4. The Superintendent of Prison, Central Prison-I, Puzhal, Chennai.
5. The Public Prosecutor, High Court, Madras.



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T.V.THAMILSELVI J.

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