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Crl.M.P.No.158 of 2025
in
Crl.A.No.23 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.M.P.No.158 of 2025

in

Crl.A.No.23 of 2025

Rahuman
S/o. Nizar

... Petitioner

Vs.

The State Rep.by
Inspector Of Police
NIB CID, Chennai.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430 of BNSS, 2023, to suspend the sentence imposed by the Principal Special Judge, Special Court under EC and NDPS Act, Chennai convicted the petitioner in C.C.No.29 of 2023 dated 25.06.2024 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.S.Shiney

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor



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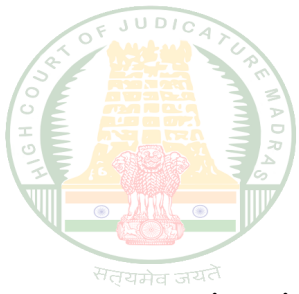
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ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence of imprisonment imposed in the judgment, dated 25.06.2024 in C.C.No.29 of 2023 passed by the learned Principal Special Judge, Principal Special Court under EC and NDPS Act, Chennai.

2.It is the case of the prosecution is that the petitioner/A1 was found in possession of 60 grams of Methamphetamine on 19.07.2022 at 6.00 hours near Kaladipettai Bus Stop, Thiruvottriyur. The respondent-Police, on information, went to the spot and thereafter intercepted three persons including the petitioner and found that the petitioner was found in possession of the aforesaid contraband, A2 was in possession of 60 grams and A3 was in possession of 12 grams of same Methamphetamine.

3.The petitioner was convicted and sentenced to undergo twelve years rigorous imprisonment and to pay a fine of Rs.1,20,000/-, in default to undergo six months rigorous imprisonment for the offence under Section 8(c) r/w 22(c) of NDPS Act and to undergo five years rigorous



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imprisonment and to pay a fine of Rs.50,000/-, in default to undergo six months rigorous imprisonment for the offence under Section 8(c) r/w. 29(1) of the NDPS Act.

4.The learned counsel appearing for the petitioner would submit that there is no previous case against the petitioner; that the petitioner is now in custody for the past nine months and that the other co-accused A2 and A3 were also already released on bail.

5.The learned Additional Public Prosecutor on instructions, would submit that there is no previous case against the petitioner.

6. It is brought to the knowledge of this Court that the sentence imposed on the co-accused A2 and A3 have been suspended by this Court in Crl.M.P.No.15245 of 2024 in Crl.A.No.1337 of 2024 dated 28.11.2024 and Crl.M.P.No.10922 of 2024 in Crl.A.No.994 of 2024 dated 02.08.2024.

7. Considering the above facts; that the petitioner has made out a



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prima facie case and has fair chances of success in the appeal; that there are no previous cases and there is nothing to suggest that the petitioner is likely to commit another offence, this Court is inclined to grant the relief of suspension of sentence.

8. Accordingly, this criminal miscellaneous petition stands allowed and the sentence imposed on the petitioner, is suspended till the disposal of the criminal appeal and he is ordered to be released on bail on the following conditions:

(i) The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties, each for a like sum to the satisfaction of the learned Principal Sessions Judge, Principal Sessions Court under EC & NDPS Act, Chennai;

(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;



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(iii)The petitioner shall appear before the Trial Court on every

Monday at 10.30 a.m until further orders.

03.02.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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Note: Issue Order copy on 03.02.2025

To

1. The Principal Special Judge,
Special Court under EC and NDPS Act,
Chennai.
2. The Inspector Of Police
NIB CID, Chennai.
3. The Superintendent,
Central Prison, Puzhal-1, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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