



*Crl.M.P.No.188 of 2025
in Crl.A.No.358 of 2023*

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.M.P.No.188 of 2025

in

Crl.A.No.358 of 2023

Parthasarathy

... Petitioner

Vs

The State Rep. by its,
The Inspector of Police,
NIB-CID,
Coimbatore District.
Crime No.40 of 2020

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430 (1) of the Bharatiya Nagarik Suraksha Sanhita, 2023, to suspend the sentence imposed on the petitioner by the Special Court under EC and NDPS Act, Coimbatore, passed in C.C.No.110 of 2020 dated 24.02.2023 and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

For Petitioner : Mr.Shanmuga Velayutham
Senior Counsel
For Mr.R.T.Vijayaraaghavan

For Respondent : Mr.S.Rajakumar
Additional Public Prosecutor



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ORDER

This Criminal Miscellaneous Petition has been filed by the petitioner, seeking suspension of sentence imposed in the judgment dated 24.02.2023 by the learned Additional District Judge, Special Court under EC and NDPS Act, Coimbatore, in C.C.No.110 of 2020 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

2. The petitioner herein is the accused in C.C.No.110 of 2020 on the file of the learned Additional District Judge, Special Court under EC and NDPS Act, Coimbatore. He was found guilty of the offence under Sections 8(c) r/w 20(b)(ii)(C) and 25 of the Narcotic Drugs and Psychotropic Substance Act, 1985 (hereinafter referred to as “the NDPS Act”) and he has been convicted and sentenced as under:

S.No.	Conviction	Sentence
1	8(c) r/w 20(b)(ii)(C) of the NDPS Act	to undergo rigorous imprisonment for a period of twenty years and to pay fine of Rs.2,00,000/-, in default to undergo rigorous imprisonment for one year.
2	25 of the NDPS Act	to undergo rigorous imprisonment for a period of twenty years and to pay fine of Rs.2,00,000/-, in default to undergo rigorous imprisonment for one year.

The sentence are ordered to run concurrently. Aggrieved by the same, the



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petitioner 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 any condition to be 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 perused the materials placed on record.



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6. Considering the facts and circumstance of the case and the submissions of the learned counsel for the petitioner, coupled with the quantum of punishment imposed upon the petitioner and taking into consideration the fact that 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. Accordingly, till the disposal of the Criminal Appeal, the reliefs of suspension of sentence and bail are 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 blood related sureties each for a like sum to the satisfaction of the learned Additional District Judge, Special Court under EC and NDPS Act, Coimbatore.

(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 am., for a period of thirty days and thereafter once in a month at 10.30 a.m., until the disposal of the Criminal Appeal



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

07.07.2025

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

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G.K.ILANTHIRAIYAN, J.

rts

To

1. The Additional District Judge,
Special Court under EC and NDPS Act,
Coimbatore.
2. The Inspector of Police,
NIB-CID,
Coimbatore District.
3. The Central Prison,
Madurai.
4. The Public Prosecutor,
Madras High Court,
Chennai.

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