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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-03-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 1905 of 2025

in

CRL A(MD) No.190 of 2025

Suresh

S/o Chandran, Karattur, Vadakarai,
Periyakulam Taluk, Theni District.

Petitioner(s)

Vs

The State of Tamil Nadu
Rep by The Inspector of Police,
Periyakulam Police station,
Theni District.
Crime No. 157/2015

Respondent(s)

For Petitioner(s):

K.Appadurai

For Respondent(s):

T.Senthilkumar

Addl. Public Prosecutor

ORDER

This Criminal Miscellaneous Petition is filed by the petitioner /accused to suspend the sentence imposed as against him by the learned Judge, I Additional Special Court for NDPS Act Cases, Madurai, in C.C.No.227 of 2015, dated 22.11.2024.

2. There are three accused and the petitioner is the second accused. They were

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charged for the offence under the NDPS Act. Pending trial, the accused nos.1 & 3 died and the charges as against them have abated. The trial Court has found the petitioner / second accused guilty for the offence u/s.8(c) r/w 20(b)(ii)(B) of the NDPS Act, convicted and sentenced him to undergo rigorous imprisonment for three years and a fine of Rs.20,000/-, in default, to undergo simple imprisonment for six months.

3.Learned counsel for the petitioner/appellant submits that the place of occurrence has not been sufficiently proved by the prosecution. Even according to the prosecution, 8 kgs of Ganja (non-commercial quantity) was recovered and there is no previous case as against the petitioner. The petitioner is in jail from 22.11.2024. The petitioner is having a fair chance of succeeding in the appeal and therefore, prayed to suspend the sentence pending the criminal appeal.

4.The learned Additional Public Prosecutor appearing for the State submitted that the trial Court has considered the evidence and the documents produced by the prosecution and rightly found the petitioner guilty and convicted. Therefore, he has raised his objection to suspend the sentence imposed on the petitioner, pending this appeal.

5.This Court considered the submissions made by the learned Counsel on either side and perused the materials placed on record.



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6. Admittedly, the petitioner has made out certain arguable points, which needs to be considered at the time of final disposal of the appeal. However, the appeal could not be taken up for final hearing in the near future. The petitioner is in jail from 22.11.2024 onwards. Therefore, this Court is inclined to suspend the sentence imposed on the petitioner.

7. Accordingly, this miscellaneous petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal. The petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge, I Additional Special Court for NDPS Act Cases, Madurai. The petitioner shall stay at Trichy and shall report before the Station House Officer, Uppuliyapuram Police Station, Trichy, daily at 10.30 a.m., until further orders.

sd/-
17/03/2025

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19/03/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

gk
TO

1 THE JUDGE, I ADDITIONAL SPECIAL COURT FOR NDPS ACT CASES,
MADURAI

<https://www.hmc.tn.gov.in/judis>



2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
VILLOOR POLICE STATION, MADURAI DISTRICT.

4 THE STATION HOUSE OFFICER, UPPULIYAPURAM POLICE STATION,
TRICHY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. C.C. to G.KARUPPASAMY PANDIYAN Advocate SR.No.2944(I) DATED
17/03/2025

ORDER
IN
CRL MP(MD) No.1905 of 2024
Date :17/03/2025

NBF/SAR/ (19/03/2025) 4P/7C

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