



CRL MP(MD)No.2767 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 03.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL MP(MD)No.2767 of 2025

in

CRL A(MD)No.773 of 2024

Chinnan

... Petitioner

Vs

The State represented by
The Inspector of Police,
Cumbum North Poilce Station,
Theni District.
(Crime No.321 of 2018)

... Respondent

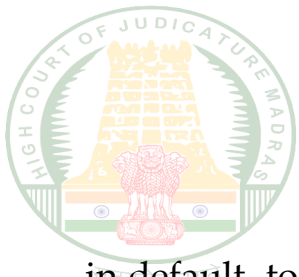
Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence imposed on the petitioner / sole accused namely Chinnan, S/o.Murugan passed by the learned I Additional Special Court for NDPS Act Cases, Madurai in CC.No.306 of 2018 dated 25.04.2024 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.M.Jagadessh Pandian

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

The petitioner / sole accused in CC.No.306 of 2018 on the file of the I Additional Special Court for NDPS Act Cases, Madurai was found guilty, convicted and sentenced to undergo 6 years rigorous imprisonment with a fine of Rs.25,000/-,



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in default, to undergo 12 months simple imprisonment for the offence under Sections 8(c) r/w 20 (b)(ii)(B) of NDPS Act. As against the conviction, the petitioner has filed an appeal in CrlA(MD)No.773 of 2024 and it has been admitted. Along with the appeal, the petitioner has filed this petition to suspend the sentence.

2.The learned counsel for the petitioner submits that the case of the prosecution is that the petitioner was arrested on 24.06.2018 as if he was in possession of 10.250 Kgs of ganja and FIR came to be registered. However, during the respondent police had not at all followed the mandatory procedure stipulated under Sections 42, 50(1) and 50(6) of the NDPS Act. Though the contraband is said to be recovered on 24.06.2018, it has been produced before the court concerned only after several days. It is stated that the contraband was recovered from the petitioner in a public place, but no independent witness was examined in this regard, no rough sketch and no observation mahazar has been produced. He further submits that there are contradictions among the evidence of the prosecution witnesses. The petitioner is in jail from 01.03.2024.

3.The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner was in possession of 10.250 Kgs of ganja and it has been proved by the prosecution. Further the petitioner has involved in a similar case, wherein, the trial Court extending the benefit of doubt has acquitted the petitioner.



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Therefore, he objects to suspend the sentence pending the appeal.

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4.This Court considered the rival submissions made and perused the material placed on record.

5.Considering the period of incarceration of the petitioner, the petitioner is having some arguable points in the main appeal and the appeal could not be taken up for final disposal so far, this Court is inclined to suspend the sentence pending the criminal appeal.

6. Accordingly this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and 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 Additional District Judge, I Additional Special Court for NDPS Act Cases, Madurai and the petitioner shall stay at Tiruchirappalli and report before Cantonment Police Station daily at 10.30 am.

sd/-
03/03/2025

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05/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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DSK

TO

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION, THENI DISTRICT.

4 THE INSPECTOR OF POLICE,
CANTONMENT POLICE STATION, TIRUCHIRAPPALLI.

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

+1 CC to M/s.M.JEGADEESH PANDIAN, Advocate (SR-2394[I] dated 04/03/2025)

ORDER IN
CRL MP(MD)No.2767 of 2025 in
CRL A(MD)No.773 of 2024
Date :03/03/2025

SA/SAR. /05.03.2025/4P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.