



CrI.MP(MD) No.2559 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.2559 of 2025

in CrI.A(MD) No.1134 of 2024

O.Mayakrishnan

... Petitioner

Vs.

State of Tamil Nadu
Represented by
the Inspector of Police,
Kannivadi Police Station,
Dindigul District,
(Crime No.386 of 2019)

... Respondent

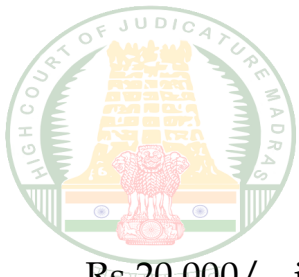
Prayer: Petition filed under Section 430 of BNSS to suspend the sentence imposed by the judgement dated 07.12.2024 in CC.No.119 of 2024 of the I Additional Special Court for NDPS Act Cases, Madurai and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.NA.Manimaran

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

ORDER

The petitioner is accused No.1. He was tried along with another accused in CC.No.119 of 2020 before the I Additional Special Court for NDPS Act Cases, Madurai, convicted for the offence under Section 8(c) r/w 20(b)(ii)(B) of the NDPS Act and sentenced to undergo 4 years rigorous imprisonment and to pay a fine of



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Rs.20,000/-, in default to undergo six months simple imprisonment. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in Crl A(MD)No.1134 of 2024 and it has been admitted by this Court. Along with the appeal he has filed this application to suspend the sentence imposed on him by the trial court.

2.The learned counsel appearing for the petitioner submits that the petitioner was arrested on 14.01.2019 as if he was in possession of 12 kgs of ganja. It is only an intermediate quantity. During the trail he was in jail for 167 days and now he has been in jail from 07.12.2024, totally he has been in jail for more than 9 months and therefore, the learned Counsel requested to consider the case of the petitioner for suspending the sentence pending the criminal appeal.

3.The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner is a habitual offender, he is involved in four other similar cases and all the cases ended in conviction. Therefore, if the sentence is suspended, the petitioner may involve in further offence.

4.In response to the above, the learned Counsel for the petitioner submits that



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on his advice only the petitioner has admitted guilt in all the cases, now he has realised his mistake and he is ready to give an undertaking before the respondent police for his good conduct in future. He has also relied on the affidavit of one Lakshmi, W/o.Sanjay Gandhi, who is working in Integrated Child Development Services Scheme at Thirupparankundram and one Rajangam, S/o. Muthukarupudevar, who is a retired railway employee. He further submits that they are prepared to stand as sureties for the petitioner and they will also ensure that the petitioner will not involve in any further offence in future.

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

6.The quantity of ganja involved in this case is 12 kgs, which is admittedly an intermediate quantity. The petitioner has been imposed with a sentence of four years imprisonment and he has already undergone imprisonment for more than nine months. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioner and for the reason that the appeal could not be taken up immediately, the petitioner's



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period of incarceration and the affidavit filed by one Lakshmi, W/o.Sanjay Gandhi, who is working in Integrated Child Development Services Scheme at Thirupparankundram and one Rajangam, S/o. Muthukarupudevar, who is a retired railway employee that they are prepared to be sureties to the petitioner and they would ensure that the petitioner will not involve in further offence, this Court inclined to allow this petition.

8.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal.

(i)The petitioner is ordered to be enlarged on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousands only) with two sureties each for a like sum, to the satisfaction of the I Additional Special Court for NDPS Act Cases, Madurai.

(ii) The petitioner shall also file an affidavit that he will not misuse the liberty and will not indulge in any further offence.

(iii) The aforesaid Lakshmi and Rajangam shall file an affidavit before the respondent police that they will ensure that the petitioner does not involve in any other offence.

(iv) The petitioner shall report before the respondent police station daily at



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10.30 am.

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(v) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence.

sd/-
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15 /04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK
TO

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

2 THE INSPECTOR OF POLICE
KANNIVADI POLICE STATION,
DINDIGUL DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON,
MADURAI.

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



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ORDER

IN

CRL MP(MD) No.2559 of 2025
in Crl.A(MD) No.1134 of 2024

Date :09/04/2025

HPS/SAR / 15.04.2025/6P/5C

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