



CrI.MP(MD) No.3085 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.3085 of 2024

in

CrI.A(MD) No.213 of 2024

Murugan

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
Cumbum North Police Station,
Theni.

Crime No.431 of 2015

... Respondent

For Petitioner : Mr.S.Selvakumar

For Respondent : Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

The petitioner, an accused in CC.No.47 of 2016, on the file of the II Additional Special Court for NDPS Act Cases, Madurai was found guilty by the trial Court for the offence under Section 8(C) r/w 20(b) (ii) (B) of NDPS Act and he was convicted and sentenced to undergo four years rigorous imprisonment with fine of Rs.20,000/-, in default, he has to undergo six months simple imprisonment. As against the conviction and sentence imposed by the trial Court in CC.No.47 of 2016, dated



Crl.MP(MD) No.3085 of 2024

10.10.2023, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.213 of 2024 and the same has been admitted by this Court on 12.03.2024. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2.The learned counsel appearing for the petitioner submits that the quantity of ganja alleged to have been recovered from this petitioner is only an intermediate quality of 10 kg of ganja. The learned counsel further submits that this petitioner was arrested along with the contraband on 06.09.2015. However, the alleged contraband has been produced before the Court only on 15.09.2015, with a delay of nine days. He also submits that this petitioner is in jail from the date of conviction on 10.10.2023. The conviction itself is for a period of four years and he has already undergone half of the sentence, pending the appeal.

3.Considering the submissions of the learned counsel for the petitioner, this Court, by its earlier order dated 14.03.2025 directed the learned Additional Public Prosecutor to ascertain as to whether the petitioner is having any antecedents.

4.The learned Additional Public Prosecutor submits that this petitioner is not having any bad antecedents.



CrI.MP(MD) No.3085 of 2024

WEB COPY

5. Considering that 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 and also considering the points raised by the petitioner, his period of incarceration and that he already undergone 16 months of imprisonment, this Court is inclined to suspend the sentence imposed on the petitioner.

6. Accordingly, 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 Judge, II Additional Special Court for NDPS Act Cases, Madurai and on further condition that the petitioner shall report before the trial Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal. The petitioner shall also file an affidavit of undertaking before the concerned police station that he will not indulge in any offence in future.

sd/-
24/03/2025

/ TRUE COPY /

24/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Crl.MP(MD) No.3085 of 2024

VRN
TO
WEB COPY

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

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

3 THE SUPERINTENDENT
CENTRAL PRISON, MADURAI.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-3333[I] dated 24/03/2025)

+1 CC to M/s.J.JEYA ARON RJA, Advocate (SR-3337[I] dated 24/03/2025)

ORDER
IN
CRL MP(MD) No.3085 of 2024
in
Crl.A(MD) No.213 of 2024
Date :24/03/2025

SS/SAR- /24/03/2025/ 4P/7C

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