



**CrI.M.P.(MD)No.657 of 2024**

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

**CrI.M.P.(MD)Nos.3757, 657 and 719 of 2024**

**in CrI.A.(MD)Nos.259, 63 and 69 of 2024**

**CrI.M.P.(MD)Nos.3757 of 2024**

Sanjaikumar,  
S/o.Kumar,  
W-3, Kurangumayan Street,  
Cumbum,  
Theni District.

**Petitioner(s)**

versus

The State rep. by  
The Inspector of Police,  
Cumbam North Police Station,  
Theni District.

**Respondent(s)**

**For Petitioner(s):**

Mr.P.Thanga Prithvirajan  
Advocate

**For Respondent(s):**

Mr.T.Senthilkumar,  
Additional Public Prosecutor

**CrI.M.P.(MD)No.657 of 2024**

R.Ranjith,  
S/o.Rajendran,  
320 Kanniyamman Kovil Street,  
Ezhacheri,  
Thiruvannamalai.

**Petitioner(s)**



**CrI.M.P.(MD)No.657 of 2024**

versus

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The State rep. by  
The Inspector of Police,  
Cumbam North Police Station,  
Theni District.

**Respondent(s)**

**For Petitioner(s):**

Mr.Na.Manimaran  
Advocate

**For Respondent(s):**

Mr.T.Senthilkumar,  
Additional Public Prosecutor

**CrI.M.P.(MD)No.719 of 2024**

V.Balasubramani,  
S/o.Venkatesan,  
13-C/38, Vellakulam,  
Thenkarai,  
Kancheepuram.

**Petitioner(s)**

versus

The State rep. by  
The Inspector of Police,  
Cumbam North Police Station,  
Theni District.

**Respondent(s)**

**For Petitioner(s):**

Mr.Na.Manimaran  
Advocate

**For Respondent(s):**

Mr.T.Senthilkumar,  
Additional Public Prosecutor



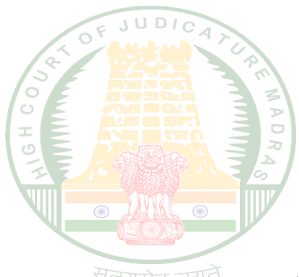
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**COMMON ORDER**

The petitioners are accused Nos.2 to 4 in C.C.No.572 of 2022 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. They were tried along with the 1<sup>st</sup> accused for the offence under Section 8(c) r/w. 20(b)(ii)(C), 29(1) and 25 of NDPS Act. In conclusion of trial, the trial Court, by its Judgment dated 20.12.2023, found the petitioners guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C) of NDPS Act and convicted and sentenced them to undergo rigorous imprisonment for 10 years each and to pay a fine of Rs.1,00,000/- each, in default, to undergo simple imprisonment for a further period of 12 months each. Challenging the Judgment of conviction and sentence, the petitioners/A2 to A4 have preferred criminal appeals in Crl.A.(MD)No.259, 63 and 69 of 2024 respectively. They have also moved the above petitions to suspend the sentence imposed by the trial Court. Since all the criminal appeals are arising out of the conviction and sentence imposed by the trial Court in C.C.No.572 of 2022, these petitions are taken up together and disposed of by this common order.

2. The learned counsel appearing for the petitioners, by referring the evidence of the Investigating Officer, submit that the place of occurrence itself is doubtful. The



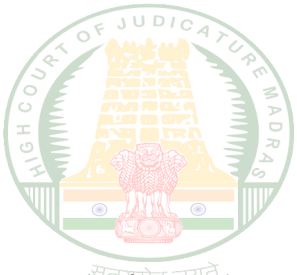
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prosecution has also failed to prove the place of occurrence. They further submit that only one sample was taken by P.W.2 and the same was admitted by him in his evidence. The second sample, which is necessary to be taken, has not been collected in this case. Therefore, according to them, this benefit has to be given to the accused persons. He also submits that the petitioners are not having any bad antecedent and they are in jail from the date of arrest, i.e. from 10.03.2022. Therefore, the learned counsels insisted to consider the case of the petitioners for grant of suspension of sentence.

3. The learned Additional Public Prosecutor submits that totally, there are five accused in this case. The 5<sup>th</sup> accused is a juvenile and therefore, the case has been split up and it has been tried by the juvenile court. He further submits that totally, 123 kgs. of ganja is involved in this case. The respondent Police has recovered 26 kgs. of ganja from the 2<sup>nd</sup> accused and 24 kgs. each from 3<sup>rd</sup> and 4<sup>th</sup> accused and 26 kgs. of ganja was recovered from A1 and another 23 kgs. of ganja was recovered from A5/juvenile accused and in total, 123 kgs. of ganja was recovered in this case.

4. The learned Additional Public Prosecutor further submits that the entire contraband was produced before the concerned Judicial Magistrate and thereafter,



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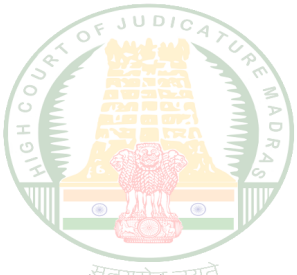
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before the trial Court. It was only a technical defect and the same was also considered by the trial Court in paragraph 29 of its Judgment. With regard to the place of occurrence, the learned Additional Public Prosecutor submits that on information, they went for raid and the informant took them to the place of occurrence and therefore, they were not in a position to explain the place of occurrence, when they were subjected for cross examination.

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

6. The quantity involved in this case is of commercial nature. All the accused were found in possession of commercial quantity. Section 37 of NDPS Act would also be applicable during the appeal. Further, the grounds raised by the petitioners can be appreciated only at the time of final hearing. Therefore, this Court is not inclined to grant suspension of sentence to the petitioners. Accordingly, these Criminal Miscellaneous Petitions are dismissed.

7. Since it is reported that the petitioners are in jail from 10.03.2022, i.e. from the date of arrest and typed set of papers are made available, the Registry is directed to



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list the main appeals for final hearing in the first week of June 2025.

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

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TO

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

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

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

ORDER

IN

Crl.M.P.(MD)Nos.3757, 657 and 719 of 2024  
in Crl.A.(MD)Nos.259, 63 and 69 of 2024

Date :08/04/2025

SS/SAR- /30/04/2025/ 6P/4C

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