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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL MP(MD)No.4122 of 2024
in
CRL A(MD)No.288 of 2024

Manoharan ... Petitioner

Vs

The State represented by
The Inspector of Police,
Cumbum North Poilce Station,
Theni District.
(Crime No.351 of 2015) ... Respondent

Prayer: Petition filed under Section 389(1) of CrPC to suspend the sentence imposed on the petitioner as imposed on the judgment dated 25.09.2023 made in CC.No.211 of 2015 on the file of the II Additional Special Court for NDPS Act Cases, Madurai forthwith and thereby enlarge him on bail, pending disposal of the above criminal appeal.

For Petitioner : Mr.P.Thanga Prithivrajan
For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

The petitioner / accused in CC.No.211 of 2015 on the file of the II Additional Special Court for NDPS Act Cases, Madurai was found guilty, convicted and sentenced to undergo 12 years rigorous imprisonment with a fine of Rs1,00,000/-, in

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default, to undergo 12 months simple imprisonment for the offence under Sections 8 (c) r/w 20 (b)(ii)(C) of NDPS Act. As against the conviction, the petitioner has filed an appeal in CrlA(MD)No.288 of 2024 and it has been admitted. Along with the appeal, the petitioner has filed this petition to suspend the sentence.

2.When this petition has been taken up for hearing, the learned Counsel submits that he has returned the papers.

3.It is seen from records that the petitioner has not made any arrangements to prosecute this petition.

4.The learned Additional Public Prosecutor appearing for the respondent submits that apart form this case the petitioner has involved in 8 other similar cases. He is also facing two other cases under section 302 IPC. Therefore, he objects to suspend the sentence pending this appeal.

5.This petition has been filed on 02.04.2024. The petitioner has not taken any steps to prosecute this petition for the past 10 months. Therefore, keeping this petition would not serve any purpose. Further according the learned Additional Public Prosecutor, the petitioner has involved several other similar cases.

6.Considering the conduct of the petitioner in not prosecuting this petition and his antecedents, this Court is not inclined to entertain this petition. Accordingly this petition is dismissed. Since this petition to suspend the sentence is dismissed, the

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Registry is directed to prepare the typed set of papers in the appeal and list it for final disposal once the typed set is made ready.

sd/-
27/02/2025

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/03/2025

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

DSK

TO

1 THE JUDGE, II ADDITIONAL SPECIAL COURT 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.

ORDER
IN
CRL MP(MD)No.4122 of 2024
in
CRL A(MD)No.288 of 2024
Date :27/02/2025

RS/VR/SAR-(25.03.2025) 3P 5C
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