



CrI.MP(MD) No.4359 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.MP(MD) No.4359 of 2025

in

CrI.A(MD) No.23 of 2020

Vilson Gabriel

... Petitioner

Vs.

State of Tamil Nadu,
Rep by the Inspector of Police,
NIBCID,
Thoothukudi,
Thoothukudi District.

... Respondent

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

The petitioner/ A1, was tried along with other accused in CC No.57 of 2019, on the file of the I Additional Special Court for NDPS Act Cases, Madurai and was convicted for the offence under Section 8(c) r/w 20(b) (ii) (C) of NDPS Act and sentenced to undergo twelve years Rigorous imprisonment with fine of Rs.1,00,000/- and default sentence of two years simple imprisonment was also imposed by the trial Court. As against the conviction and sentence imposed by the trial Court in CC.No.57 of 2019, dated 19.11.2019, the petitioner has filed a Criminal Appeal in CrI.A(MD) No.23 of 2020 and the same was admitted by this Court on 10.01.2020. The petitioner



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has also moved this application to suspend the sentence, imposed on him by the trial Court.

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2.The learned counsel for the petitioner submits that the alleged contraband has been recovered from A2 in a Building. This Court has suspended the sentence imposed on him. The Investigating Agency has not collected any materials linking this petitioner with the place of occurrence, from where, the contraband has been recovered. According to him, this petitioner is in jail for the past 6 ½ years. The punishment itself is for 12 years and he has already undergone half of the sentence. Therefore, the learned counsel requests this Court to consider the case of the petitioner for suspension of sentence.

3.The learned Additional Public Prosecutor appearing for the respondent has raised serious objections that footing of this petitioner is different from that of A2, for whom, the suspension of sentence has been ordered. The petitioner herein is the lessee of the building, from where, 466 kg of "charas", refined form of ganja has been recovered. According to him, 1kg of "charas" itself is a commercial quantity. He also objects that this petitioner is also having another case for similar offence and the same is pending for trial. It is also reported that the typed set of papers are also made ready and the learned Additional Public Prosecutor is prepared to proceed with the final hearing of the main Appeal.



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

5.The earlier application filed by this petitioner for suspension of sentence in Crl.MP(MD) No.200 of 2020 was dismissed by this Court, by its order dated 23.02.2022. Now the petitioner has renewed this application on the grounds that even after the dismissal of his earlier application, the Criminal Appeal has not been taken up for hearing and that the sentence imposed on A2 was suspended by this Court.

6.Considering the nature of offence and the quantity of contraband involved in this case, this Court is not inclined to grant suspension of sentence. Accordingly, this Criminal Miscellaneous Petition is dismissed.

7.Since it is reported that the typed set of papers are made ready and the petitioner claims that he is in jail for the past 6 ½ years, Registry is directed to list the Criminal Appeal for final disposal, in the first week of June-2025.

sd/-
08/04/2025

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



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

2 THE OFFICER INCHARGE,
SPECIAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
NIBCID,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.

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

ORDER IN
CrI.MP(MD) No.4359 of 2025
in
CrI.A(MD) No.23 of 2020
Date :08/04/2025

SA/SAR. /25.04.2025/4P/5C

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