



CRL MP(MD)No.4302 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 28.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CRL MP(MD)No.4302 of 2025
in CRL A(MD)No.693 of 2023

A.Karthick

... Petitioner

Vs

The State represented by
The Inspector of Police,
NIB CID Police Station,
Madurai District
(Crime No.75 of 2019)

... Respondent

Prayer : Petition filed under Section 430 (1) of BNSS for interim suspension of the sentence for two months from 01.04.2015 to 01.06.2025 imposed by the I Additional Special Court for NDPS Act Cases, Madurai passed in CC.No.21 of 2020 dated 30.06.2023 pending disposal of the Criminal appeal.

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

ORDER

The petitioner is A1 in CC.No.21 of 2020 on the file of the I Additional District and Sessions Judge, for EC and NDPS Act Cases, Madurai. He was found guilty, convicted and sentenced to undergo rigorous imprisonment for a period of 10 years



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with a fine of Rs.1,00,000/- in default to undergo 12 months simple imprisonment for the offence under Section 8(c) r/w 20(b)(ii)(c) of NDPS Act. Challenging the conviction the petitioner has filed an appeal in Crl A(MD)No.693 of 2023. Along with the appeal he filed an application in CrlMP(MD)No.14218 of 2023 to suspend the sentence and it was dismissed by this Court on 22.02.2024.

2.Now the petitioner has filed this petition seeking interim suspension of the sentence on the grounds that before his arrest in this case, engagement was conducted between this petitioner and one Abinaya in the year 2019. After his arrest on 05.06.2019 the petitioner has been in jail for nearly 5 years and therefore, their marriage could not be conducted. The said Abinaya is waiting for this petitioner to marry her. She is also not agreeing to marry any other. Therefore, the parents and the relatives of the petitioner and the said Abinaya have proposed to conduct marriage between them on 04.04.2025. Therefore, the petitioner has filed this petition seeking interim suspension of sentence for a period of two months. He has also placed the marriage invitation along with this petition.

3.The learned Additional Public Prosecutor appearing for the respondent submits that it is ascertained through the respondent police that the marriage as stated by the learned Counsel for the petitioner is scheduled on 04.04.2025 between the petitioner and one Abinaya. However he objects to suspend the sentence on the



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ground that this is a case of commercial quantity. Apart from this case, the petitioner has involved in three other similar cases and also in yet another case. He further submits that if the sentence is suspended, the petitioner may not be available pending disposal of the appeal.

4.For the objection raised by the learned Additional Public Prosecutor, the learned Counsel for the petitioner submits that the petitioner is prepared to produce a surety for a sum of Rs.1 lakh and he would surrender on the expiry of the interim suspension period. Further the Ex-President of Thiruvathavur panchayat has agreed to stand as a surety for his release on bail and for his surrender after the expiry of the same. Therefore, he requests to consider the case of the petitioner for grant of interim suspension of sentence.

5.This Court considered the rival submissions.

6.The petitioner was arrested on 05.06.2019 in connection with CC.No.21 of 2020 and he is in jail for the past 5 years on the conviction. Though this appeal was admitted in the year 2023, the appeal could not be taken up for final hearing. The petitioner claims that engagement was conducted between the petitioner and one Abinaya in the year 2019 and she is waiting for him without marrying anyone. The marriage is also to be solemnised on 04.04.2025.

7. Considering the above submission this Court is inclined grant interim



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suspension of sentence. Accordingly the sentence imposed on the petitioner is
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suspended for a period of 21 days from 02.04.2025 to 22.04.2025. The petitioner shall
surrender before the Central Prison, Madurai on 22.04.2025 at 5.00 PM.

(i) The learned Additional Public Prosecutor shall ensure the same from the
Central Prison, Madurai and to report it before this Court on the next date of hearing.

(ii)The petitioner shall also furnish a bond for a sum of
Rs.1,00,000/- (Rupees One lakh) together with two sureties each for a like sum to the
satisfaction of the learned Additional District Judge, I Additional Special Court for
NDPS Act Cases, Madurai. Of the two sureties, one must be the Ex-President of the
Thiruvathavur Panchayat and the other must be a respectable person from the
locality.

(iii)Two other sureties shall also execute a bond for a sum of
Rs.1,00,000/- with an undertaking affidavit that they will ensure the surrender of this
petitioner on 22.04.2025 at 5.00 pm. The sureties shall also be informed of the
consequences if the petitioner does not surrender on 22.04.2025 at 5 .PM as directed
by this Court.

(iv) During this interim suspension period the petitioner shall appear before the
Othakadai Police Station, Madurai on every day at 10.30am. He shall furnish the
details of his address, his mobile number, if any and his spouse's mobile number to



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the Inspector of Police, Othakadai. The Inspector of Police Othakadai shall monitor
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the availability of this petitioner, during this interim suspension period.

Post this matter for further orders on 23.04.2025.

sd/-
28/03/2025

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28/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK
TO

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
NIB CID POLICE STATION,
MADURAI DISTRICT

4 THE INSPECTOR OF POLICE,
OTHAKADAI POLICE STATION, MADURAI.

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

+1 CC to M/s.MANIMARAN, Advocate (SR-3681[I] dated 28/03/2025)



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ORDER
IN
CRL MP(MD)No.4302 of 2025
in CRL A(MD)No.693 of 2023
Date :28/03/2025

SA/SAR. /28.03.2025/6P/7C

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