



Crl.MP(MD) No.5282 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5282 of 2025
in Crl.A(MD) No.472 of 2025

P.Sumithra

... Petitioner

Vs.

State of Tamil Nadu
represented by
The Inspector of Police,
PEW-Theni Police Station,
Theni.
(Crime No.202 of 2023)

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to suspend the sentence and conviction made in the judgment dated 20.03.2025 in CC.No.962 of 2023 passed by the I Additional Special Judge for NDPS Act Cases, Madurai and enlarge the petitioner on bail pending disposal of the appeal.

For Petitioner : Mr.P.Thangaprithivrajan

For Respondent : Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

The petitioner accused No.5 in CC.No.962 of 2023 along with seven others has



Crl.MP(MD) No.5282 of 2025

WEB COPY

been tried by the I Additional Special Judge for NDPS Act Cases, Madurai, has been found guilty, convicted and sentenced to undergo 4 years rigorous imprisonment with a fine of Rs.30,000/- in default to undergo 12 months simple imprisonment for the offence under Sections 8(c) r/w 20(b)(ii)(B) of the NDPS Act. As against the conviction and sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in Crl.A(MD) No.472 of 2025 and the same has been admitted by this Court. The petitioner has also moved this petition to suspend the sentence.

2.The learned Counsel for the petitioner submits that the mandatory provisions under Sections 42, 50, 55 and 57 of the NDPS Act have not been complied with. There is a delay of four days in sending the contraband to the Court concerned. All the witnesses are official witnesses and no independent witness has been examined in support of the allegation. She has been implicated in this case only based on the confession statement of A1. The trial Court without considering these defects convicted the petitioner. The sentence of imprisonment is only three years and she has been in prison from 20.03.2023 for more than two years. Therefore, the learned Counsel prayed that the petitioner be enlarged on bail by suspending the sentence of imprisonment.

3.The learned Additional Public Prosecutor appearing for the respondent



Crl.MP(MD) No.5282 of 2025

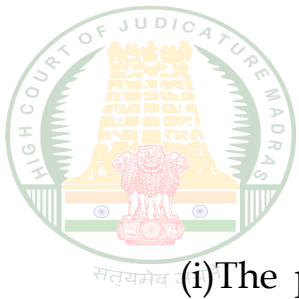
WEB COPY

submits that totally there are eight accused in this case. They have procured ganja from Andhra Pradesh and based on the statement of A1, they recovered ganja from other accused on different dates. This petitioner was in possession of 8 kgs of ganja. Since the contraband has been recovered from other accused based on the confession statement of A1, it has been treated as commercial quantity and joint trial has been conducted. Apart from this case the petitioner has involved in 9 other cases of which 7 are similar in nature.

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

5.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. Considering the points raised by the petitioner and for the reason that the appeal could not be taken up immediately, considering that the petitioner has completed the substantial portion of sentence, this Court is inclined to allow this petition, however with stringent conditions, considering the antecedents of the petitioner.

6.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:



Crl.MP(MD) No.5282 of 2025

WEB COPY

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Thousand) with two sureties each for a like sum, to the satisfaction of the I Additional Special Judge for NDPS Act Cases, Madurai. Of the two sureties, one must be the government servant and the other must be a respectable person in the society. The fine amount imposed by the trial Court shall be paid by the petitioner.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty and will not indulge in any further offence.

(iii) The petitioner shall report before the respondent police daily at 10.30 am and at 5.00pm

(iv) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

sd/-
29/04/2025

/ TRUE COPY /

30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



Crl.MP(MD) No.5282 of 2025

DSK
WEB COPY
TO

1. I ADDITIONAL SPECIAL JUDGE FOR NDPS ACT CASES,
MADURAI.
2. THE INSPECTOR OF POLICE,
PEW-THENI POLICE STATION,
THENI.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
4. THE SUPERINTENDENT,
CENTRAL PRISON (WOMEN), MADURAI.

ORDER IN
CRL MP(MD) No.5282 of 2025
Date :29/04/2025

PR/30.04 .2025 5P/5C

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