



Crl.MP(MD) No.5245 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.5245 of 2025
in Crl.A(MD) No.463 of 2025

Chinnappan @ Thuyaram

... Petitioner

Vs.

State of Tamil Nadu
Represented by
the Inspector of Police,
Dindigul Taluk Police Station,
Dindigul District.
(Crime No.1158 of 2020)

... Respondent

Prayer: Petition filed under Section 415 of BNSS to suspend the sentence of imposed by the I Additional Special Judge for NDPS Act Cases, Madurai in CC.No.632 of 2023 by judgment dated 26.03.2025 pending disposal of the appeal.

For Petitioner : Mr.S.Balaji

For Respondent : Mr.T.Senthil Kumar

Additional Public Prosecutor

ORDER

The petitioner an accused in (*)CC.No.632 of 2023 has been tried by the I Additional Special Judge for NDPS Act Cases, Madurai, has been found guilty,



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convicted and sentenced to undergo 3 years rigorous imprisonment with a fine of Rs.20,000/- in default to undergo nine 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.463 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(2), 50 and 52A of the NDPS Act have not been complied with. No independent witness has been examined in support of the allegation. The contraband was not kept in safe custody. The trial Court without considering these discrepancies convicted the petitioner. The petitioner is in jail from the date of conviction. The petitioner is aged about 70 years. Therefore, the learned Counsel prayed that the petitioner be enlarged on bail by suspending the sentence of imprisonment.

3.The learned Government Advocate (Crl Side) appearing for the respondent submits that apart from this case, the petitioner has involved in 9 other similar cases and in all the cases he has been convicted.

4.In response to the above submission, the learned Counsel for the petitioner submits that all those cases were foisted as against the petitioner, wherein the



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quantity of ganja is 1 kg and the fine amounts in those cases have been paid by the police themselves.

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

6.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, this Court is inclined to allow this petition, however with stringent conditions considering the antecedents of the petitioner.

7.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:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand) with two sureties each for a like sum, to the satisfaction of the I Additional Special Judge for NDPS Act Cases, Madurai and of the two sureties one must be a government servant and the other must be a respectable person in the locality.

(ii) The petitioner and the sureties shall file an affidavit before the respondent



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police that the petitioner will not misuse this liberty and will not indulge in any further offence.

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(iii) The petitioner shall report before the Virudhunagar West Police Station daily at 10.30 am.

(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

(*)Corrected as per the order of this court dated 10/06/2025 made in CRL.MP(MD) NO.5245 OF 2025 IN CRL.A(MD) NO.463 OF 2025

/ TRUE COPY /

10 /06/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSK

TO
TO BE SUBSTITUTED WITH THE ORDER DATED.29/04/2025 ALREADY
DESPATCHED.

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



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2.THE INSPECTOR OF POLICE,
DINDIGUL TALUK POLICE STATION,
DINDIGUL DISTRICT.

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

4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

5.VIRUDHUNAGAR WEST POLICE STATION,
VIRUDHUNAGAR.

+1 CC to M/s.P.MANOCHARAN, Advocate (SR-5102[I] dated 30/04/2025)

ORDER IN
CRL MP(MD) No.5245 of 2025
Date :29/04/2025

PR/30.04 .2025 5P/7C

PR/10.06.2025 5P/7C

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