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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.6595 of 2024

in

CrI.A.(MD)No.556 of 2024

Ganesan

S/o.Mariappan,

Nellur Village, Athur Taluk,

Dindigul District.

.... Appellant/ Accused No.3

Vs

The State rep.by

The Inspector of Police

NIB CID,

Dindigul, Dindigul District.

Crime No.31 of 2014

... Respondent/Complainant

For Petitioner : M/s.J.Jeya Aron Raja
Advocate

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



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ORDER

The petitioner is A3 in C.C.No.207 of 2015 on the file of the I Additional Special Court for NDPS Act cases, Madurai. After the trial, the trial Court, by its Judgment dated 20.03.2024, found the petitioner guilty for the offence under Section 8(c) r/w. 20 (b)(ii)(B) of NDPS Act and convicted and sentenced him to undergo 4 years rigorous imprisonment and to pay a fine of Rs.30,000/-, with the default sentence of 12 months simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has preferred an appeal in CrI.A.(MD)No.556 of 2024 along with the petition for suspension of sentence. The Criminal Appeal was admitted by this Court on 02.07.2024.

2. The learned counsel appearing for the petitioner submits that though the contraband was said to be recovered on 20.03.2014, it was produced before the concerned Court only on 15.05.2014, i.e. with the delay of 56 days. He further submits that in the consent letter recorded under Section 50 of NDPS Act, there is no reference about the date, time and place of occurrence. He further submits that the petitioner is in jail from the date of conviction, i.e. from 20.03.2024. Therefore, he seeks for suspension of sentence.



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3. The learned Additional Public Prosecutor submits that the contraband was placed before the concerned Judicial Magistrate on the date of occurrence, i.e. on 20.03.2014, however, it was produced before the concerned Special Court with the delay of 56 days and therefore, it cannot be treated that there was a delay of 56 days in producing the contraband before the Court. The learned Additional Public Prosecutor submits that apart from this case, the petitioner is having six previous cases. Therefore, he strongly opposes for grant of suspension of sentence.

4. Considering the nature of allegation and also considering the fact that the petitioner is having six previous cases, this Court is not inclined to grant suspension of sentence.

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

Sd/-
18/02/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE I ADDITIONAL
SPECIAL JUDGE FOR NDPS ACT CASES, MADURAI.
- 2 THE INSPECTOR OF POLICE
NIB CID DINDIGUL
DINDIGUL DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
Crl.M.P.(MD)No.6595 of 2024
in
Crl.A.(MD)No.556 of 2024
Date :18/02/2025

ES/VR/SAR /05.03.2025/4P/5C

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