



CRL MP(MD) NO. 6448 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14-05-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL MP(MD) NO. 6448 of 2025

in

CRL A(MD) NO. 490 of 2025

P. Gokulnath,
S/o. Ponnuram, Middle Street, Vartharajan puram, Aundipatti
Taluk, Theni District. At present confined in Central Prison
Madurai, As Convict Prisoner.

Petitioner(s)

Vs

The State of Tamil Nadu,
Rep. by The Inspector of Police, Gandamanur Vilaku, Theni
District. Crime No. 290 of 2021.

Respondent(s)

For Petitioner(s):

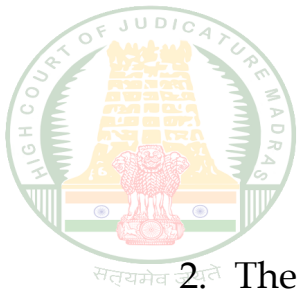
Mr.Manimaran.Na

For Respondent(s):

Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/A2 by the I Additional Special Court for EC and NDPS Act Cases, Madurai in C.C.No.226 of 2022 dated 25.03.2025 and enlarge the petitioner on bail.



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2. The learned counsel for the petitioner/appellant submitted that the petitioner/appellant has been convicted by the learned trial Judge for the offences punishable under Section 8(c) r/w Sections 20(b)(ii)(B) and 29(1) of NDPS Act, and sentenced him to undergo rigorous imprisonment for a period of three years and to pay a fine of Rs.25,000/- (Rupees Twenty Five Thousand) in default to undergo simple imprisonment for a further period of six months in C.C.No.226 of 2022 on the file of the I Additional Special Court for EC and NDPS Act Cases, Madurai.

3. Further, the learned counsel for the petitioner/appellant submitted that the petitioner/appellant is in custody from the date of judgment and this Court has already suspended the sentence imposed on the co-accused. There are several infirmities in the prosecution case and further there are contradictions in material particulars between the evidence of the prosecution witnesses.

4. The learned Additional Public Prosecutor submitted that the fine amount imposed has not been paid by the petitioner/appellant. Further, he submitted that there are enough materials available on record against the petitioner/appellant as per the evidence adduced by the prosecution and there is no infirmity in the prosecution case and prays for dismissal of this petition.



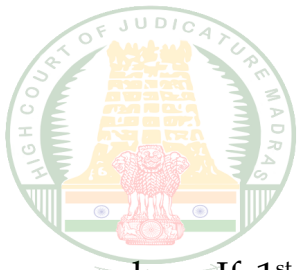
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5. This Court has carefully considered the contentions made and also perused the materials available on record.

6. The learned counsel for the petitioner/appellant pointed out that certain infirmities and inconsistencies in this case and also certain contradictions in material particulars. The fact remains that there are arguable points involved in this criminal appeal and further the criminal appeal is not likely to be taken up for final hearing in the near future and as such, and also considering the fact that this Court has already granted suspension of sentence to the co-accused, this Court is of the considered view that the petitioner herein/appellant is entitled to the relief of grant of suspension of sentence.

7. Accordingly, this petition is allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal and the petitioner/appellant is directed to be enlarged on bail on condition that on petitioner/appellant executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of I Additional Special Court for EC and NDPS Act Cases, Madurai and on further condition that the petitioner shall appear before the said Court monthly twice (i.e., on the 1st and 15th day of every English Calender month) at 10.30 a.m., until further



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orders. If 1st and 15 day falls on a holiday, the petitioner shall appear before the

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above said Court on the next working day.

sd/-

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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 Court for EC and NDPS Act Cases, Madurai.
- 2.The Superintendent, Central Prison, Madurai.
- 3.The Inspector of Police, Gandamanur Vilaku,Theni District.
- 4.The Additional Public Prosecutor,Madurai Bench of Madras High Court,Madurai.

ORDER IN

CRL MP(MD) No.6448 of 2025

Date :14/05/2025

PP/15.05.2025 4P/5C

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