

As Convict Prisoner.

... Petitioner in CRL MP(MD) No. 6453 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20-06-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

CRL MP(MD) Nos. 6453 and 6469 of 2025

in

CRL A(MD) Nos. 565 and 576 of 2025

S.Revathi
W/o.Senthil,
Santhamanaikanpatti,
Pannaipatti,
Dindigul District
At present confined in
Female Central Prison, Madurai.
As Convict Prisoner.

... Petitioner in CRL MP(MD) No. 6453 of 2025
/ Accused No.1

R.Senthil
S/o.Ramu
Santhamanaikanpatti,
Pannaipatti,
Dindigul District.
At present confined in
Central Prison, Madurai
As Convict Prisoner.

... Petitioner in CRL MP(MD) No. 6469 of 2025
/ Accused No.3

Vs

The State of Tamilnadu
represented by
The Inspector of Police, NIB CID,
Dindigul District.
Crime No.02 of 2022.

.... Respondent in both Crl.MPs.



... Petitioner in CRL MP(MD) No. 6453 of 2025

COMMON PRAYER : These Criminal Miscellaneous Petitions are filed under Section 430 of BNSS, to suspend the sentence imposed by the learned I-Additional Special Court for EC and NDPS Act cases, Madurai, in C.C.No.194 of 2022, dated 15.04.2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Appellant:

Mr.NA.Manimaran

For Respondent:

Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

(in both Cr.M.Ps.)

COMMON ORDER

These Criminal Miscellaneous Petitions are filed to suspend the sentence imposed against the petitioners / Accused Nos.1 and 3, by an order dated 15.04.2025 made in C.C.No.194 of 2022 by the learned I-Additional Special Court for EC and NDPS Act cases, Madurai, till the disposal of appeal.

2.The appellants / Accused Nos. 1 and 3 have been found guilty and convicted for the following offences :



Offences under Sections	Punishment	Fine	Default clause
8(c) r/w 20 (b)(ii)(C) and 29(1) of NDPS Act	to undergo Rigorous Imprisonment for 12 years	to pay a fine of Rs.1,00,000/-	to undergo Simple Imprisonment for a further period of 2 years

3. Now, the learned counsel for the petitioners submitted that the contraband alleged to have been recovered from the first accused was not produced before the Magistrate in time and even before the Magistrate, the property has been produced after eleven(11) days. In the cross examination of P.W.3 who is the Seizing Officer, it is seen that the Form - 91 produced before the Magistrate has been returned with an endorsement 'to be produced along with the property'. It is further submitted that the mandates of Section 57 of the NDPS was also not complied and there is delay in producing the contraband before the trial Court and these were overlooked by the learned trial Judge.

4. The learned counsel for the petitioners further submitted that in usual course, two samples need to be taken but in the instant case, only one sample is taken and that is also against the guidelines for taking the samples, as found in amended Rules issued in this regard, which comes into effect from 23.12.2022.



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5. Mr. R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent submitted that the present case is of the year 2021 and hence the amended Rules is not applicable to this case and there is no procedural violations in taking the samples.

6. It is seen that the seizing officer has not filed the report under Section 57 of NDPS Act, but it is only the NIB-CID who had prepared the report under Section 57 of NDPS, that is marked as Ex.P.16. In the judgment, it is observed that it is only NIB-CID who prepared the report under Section 57 of NDPS.

7. The judgment has also dealt about the delay in producing the contraband before the Court but proceeded to observe that the delay alone cannot be fatal to the case of the prosecution. It is the further observation of the trial Court that there is no prejudice caused to the accused in view of the delay in production of the contraband before the Special Court and consequently to the Forensic Lab.

8. It is true that mere violation of Rules cannot be fatal to the case of the prosecution. But if the violations have occurred each and every stage, then the whole circumstances are to be seen in a comprehensive manner.



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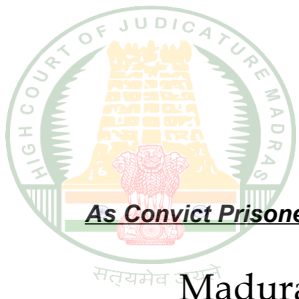
9. As the appellant has raised serious points about violation of mandatory Rules, I feel that prima facie appeal grounds present for hearing the appeal in detail.

10. The accused No.1 is said to have been in incarceration for nearly three years and ten months and the accused No.3 is in incarceration for one year and four months. It is to be noted that no recovery has been made from the Accused No.3.

11. Considering the fact that the appeal has got vital points to be heard and the fact that the accused has been in incarceration for more than one year and the impracticability of taking the appeal for final hearing in any near future, I feel in the interest of justice it is appropriate to suspend the sentence of the accused, with conditions.

12. Hence, the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:

- i. that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the I-Additional Special Court for EC and NDPS Act cases,



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Madurai.

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ii. that the petitioner shall appear before the said Court on the first working day of a month, at 10.30 a.m. till the disposal of appeal.

13. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
20/06/2025

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24 /06/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

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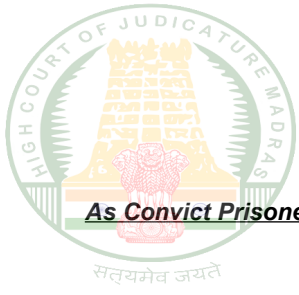
1.THE I-ADDITIONAL SPECIAL COURT FOR EC AND NDPS ACT
CASES, MADURAI.

2.THE SUPERINTENDENT, FEMALE CENTRAL PRISON,
MADURAI.

3.THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4.THE INSPECTOR OF POLICE, NIB CID,
DINDIGUL DISTRICT.

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



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... Petitioner in CRL MP(MD) No. 6453 of 2025

WEB COPY +1 CC to M/s.NA.MANIMARAN, Advocate (SR-6642[I] dated 23/06/2025)

ORDER

IN

CRL MP(MD) No.6453 of 2025

Date :20/06/2025

PR/24 .06 .2025 7P/7C

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