



Crl.M.P.(MD)No.6636 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.6636 of 2024

in Crl.A.(MD)No.559 of 2024

Maruthu

S/o.Boomi, Dharampatti, Erumarpatti, Usilampatti Taluk,
Madurai District, Now confined at Central Prison, Madurai

Petitioner(s)

Vs

The Inspector of Police
NIBCID,

Dindigul, Dindigul District.

Respondent(s)

For Petitioner(s):

Mr.S.Muniyandi,
Advocate

For Respondent(s):

Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

The petitioner is the first accused 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



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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 Crl.A.(MD)No.559 of 2024 along with the petition for suspension of sentence. The Criminal Appeal was admitted by this Court on 03.07.2024.

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 and he is not having any bad antecedent. Therefore, he seeks for suspending the sentence imposed against the petitioner.

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. However, he fairly submits that the petitioner is not having any previous case.



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4. Considering the period of incarceration and also considering the fact that the petitioner is not having any previous case and as there is no likelihood of listing the criminal appeal for final hearing in the near future, this Court is inclined to suspend the sentence imposed on the petitioner.

5. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge (FAC), I Additional Special Court for NDPS Act Cases, Madurai and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-
18/02/2025

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/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY
TO

1 THE ADDITIONAL DISTRICT JUDGE (FAC),
I ADDITIONAL SPECIAL COURT FOR NDPS ACT CASES,
MADURAI.



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2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE
NIBCID,
DINDIGUL, DINDIGUL DISTRICT.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-1780[I] dated 18/02/2025)

ORDER IN
Crl.M.P.(MD)No.6636 of 2024
in Crl.A.(MD)No.559 of 2024
Date :18/02/2025

SA/VR/SAR. /27.02.2025/4P/6C

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