



CRL MP(MD) NO. 7212 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17-06-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

CRL MP(MD) NO. 7212 of 2025

IN

CRL A(MD) NO. 651 OF 2025

S.Nijith

S/o.Sathiyar, Kallipurathu House, Parayakadu,
Chittapadukara Panchayath, Paravoor Taluk, Earnakulam,
Kerala State At Present Confined in Central Prison, Madurai,
As convict Prisoner.

Petitioner(s)

Vs

The State of Tamilnadu

Rep by The Inspector of Police, North Police Station,
Cumbum, Theni District. Crime No.17/2020.

Respondent(s)

For Petitioner(s):

Mr. Manimaran.Na

For Respondent(s):

Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER

The Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Judge, II Additional Special Court for NDPS Act Cases, Madurai, dated 27.05.2025, in C.C.No.288 of 2020 till the disposal of appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been



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convicted by the learned Trial Judge, for the alleged offences under Section 8(c) r/w
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Sections 20(b)(ii)(B), 25 and 29(1) of NDPS Act, 1985 and sentenced him to undergo 6
months rigorous imprisonment and to pay a fine of Rs.90,000/- in default to undergo
1 year simple imprisonment for the offence u/s.8(c) r/w 20(b)(ii)(B) of NDPS Act,
sentenced him to undergo 6 months rigorous imprisonment and to pay a fine of
Rs.90,000/- in default to undergo 1 year simple imprisonment for the offence u/s.25
of NDPS Act and sentenced him to undergo 6 months rigorous imprisonment and to
pay a fine of Rs.90,000/- in default to undergo 1 year simple imprisonment for the
offence u/s.29(1) of NDPS Act. The sentences were ordered to run concurrently. Set
off under Section 428 Cr.P.C. is also ordered.

3.The learned counsel for the petitioner submitted that while seizing the
vehicle, the documents of the vehicle have not been seized and without those
documents, it cannot be established that the appellant is having any connection with
the contraband seized from the vehicle. Even though the initial presumption can be
taken in favour of the prosecution, the prosecution has to establish that the car in
which the contraband was seized is connected to the appellant in any way. As the
appeal has been admitted on grounds that deserve to be heard and there is no
possibility to hear the appeal immediately, I feel it is appropriate to suspend the
sentence alone on conditions. Accordingly, the substantive part of the sentence alone



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is suspended on the following conditions:

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- 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 learned Judge, II Additional Special Court for NDPS Act Cases, Madurai;
 - ii. that the petitioner shall appear before the said Court daily, at 10.30 a.m. till the disposal of appeal.
4. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
17/06/2025

/ TRUE COPY /

19/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI
TO
1 THE JUDGE,
II ADDITIONAL SPECIAL COURT FOR NDPS ACT CASES,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
NORTH POLICE STATION, CUMBUM,
THENI DISTRICT.



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

ORDER
IN
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IN
CRL A(MD) NO. 651 OF 2025
Date :17/06/2025

SA/SAR. /19.06.2025/4P/5C

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