



CRL MP(MD) NO. 6991 of 2025

WEB COP BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-06-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

CRL MP(MD) NO. 6991 of 2025

IN

CRL A(MD) NO. 638 OF 2025

S.Viju

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.N.A.Manimaran

For Respondent(s):

Mr.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 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, that the seized contraband belongs to the appellant, the prosecution has to establish that the car in which the contraband was seized belongs to the appellant.



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4. Having regard to the fact that there are arguable points involved in the appeal, the suspension of sentence petition is allowed and 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 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.

5. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
12/06/2025

/ TRUE COPY /

/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,

<https://www.mhc.tn.gov.in/judis>



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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.

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

ORDER
IN
CRL MP(MD) No.6991 of 2025
IN
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Date :12/06/2025

HPS/12.06.2025 /4P/5C

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