



CRL MP(MD) No. 7071 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25-06-2025

CORAM

THE HONOURABLE DR JUSTICE R.N.MANJULA

CRL MP(MD) No. 7071 of 2025

in

CRL A(MD) No. 643 of 2025

Dhevaiyani

D/o.Senthilkumar, No.3/96 Colony, Viralipatti, Dindigul
District. (Now Confined in Madurai Central Prison)

...Appellant / Accused No.3

Vs

The State of Tamil Nadu

Rep by The Inspector of Police, Dindigul West Town PS,
Dindigul District. Crime No.568 of 2022.

... Respondent

PRAYER : This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS to suspend the sentence imposed by the learned I Additional Special Court for NDPS Act Cases, Madurai District in C.C.No.645 of 2023 dated 15.04.2025 and enlarge the appellant on bail pending the disposal of the above said Criminal Appeal.

For Appellant:

M/s.Veera Raghul



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For Respondent:

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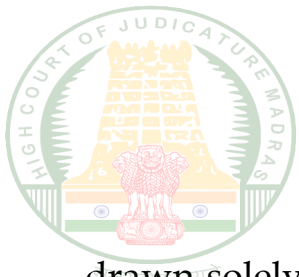
Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Judge, I Additional Special Court for NDPS Act Cases, Madurai District in C.C.No.645 of 2023 dated 15.04.2025 till the disposal of appeal.

2.The learned counsel for the petitioner submitted that the petitioner has been convicted by the learned I Additional Special Court for NDPS Act Cases, Madurai, for the alleged offences under Section 8(c) r/w Sections 20(b)(ii)(C), 29(1) of NDPS Act and sentenced to undergo rigorous imprisonment for a period of 10 years and to pay a fine of Rs.1,00,000/- (Rupees One Lakh only), in default to undergo simple imprisonment for a further period of two years. Set off under Section 428 Cr.P.C. is also ordered.

3. The learned counsel for the petitioner further submitted that the petitioner is the third accused, who is the wife of the first accused and no recovery has been made from her. Just because she was present in the place of occurrence, she was found guilty and convicted. The petitioner did not even have knowledge about the presence of the contraband in the place of occurrence and the presumption was



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drawn solely due to her presence in the place of occurrence. He further submitted that the petitioner is a first offender and she has already undergone a period of 2 - 1/2 years rigorous imprisonment.

4. The learned Additional Public Prosecutor appearing for the State submitted that there is no violation in compliance of the mandatory provision of NDPS Act and mere delay in producing the contraband cannot be considered as fatal to the case of the prosecution. He further submitted that Section 37 of the NDPS Act prescribes certain limitation for granting bail or suspending the sentence and it cannot be given automatic.

5. Even though the contraband seized in this case was a commercial quantity, there was no recovery from the petitioner/third accused. As stated above, the involvement of the petitioner/third accused has been found to be with an intention to commit the crime by the trial Judge, as she was present in the place of occurrence. As there are prima facie grounds found for entertaining the appeal and there is no possibility of taking up the appeal within a short period, I feel it is appropriate to suspend the sentence alone on conditions. Accordingly, the substantive part of the sentence alone is suspended 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



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सत्यमेव satisfaction of the learned Judge, I Additional Special Court for NDPS Act
WEB COPY Cases, Madurai,

ii. that the petitioner shall appear before the said Court daily, at 10.30 a.m. till the disposal of appeal.

6. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
25/06/2025

/ TRUE COPY /

/07/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To

1. The Judge, I Additional Special Court for NDPS Act Cases, Madurai.
2. The Superintendent, Madurai Central Prison(Women), Madurai.
3. The Inspector of Police, Dindigul West Town PS,
Dindigul District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
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in
CRL A(MD) No. 643 of 2025
Date :25/06/2025

MK/01.07.2025 4P/5C

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