



CRL MP(MD) NO. 7778 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23-06-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

CRL MP(MD) NO. 7778 of 2025

IN

CRL A(MD) NO. 682 OF 2025

K.Jeyankumar
S/o. Kodidurai, W-3, Bhathirakaliamman Kovil Street,
Cumbum, Theni District At present confined in Male
Central Prison, Madurai as Convict Prisoner.

Petitioner(s)

Vs

State Of Tamilnadu Rep By
Inspector Of Police, Cumbum North
Cumbum North Police Station, Theni District.
(Crime No 270 of 2019)

Respondent(s)

Prayer: Criminal Miscellaneous Petition is filed for suspension of sentence imposed by the learned Additional District Judge, Special Court for NDPS Act Cases, Madurai, dated 13.02.2025 made in C.C.No.104 of 2020.

For Petitioner(s):

M/s. Manimaran.Na
Kavitha. K
Ravikumar. M
Kanagaraj. S
Balaji .K

For Respondent(s):

Mr.R.Meenakshi Sundaram – Additional Public Prosecutor



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ORDER

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The Criminal Miscellaneous Petition is filed for suspension of sentence imposed by the learned Additional District Judge, Special Court for NDPS Act Cases, Madurai, dated 13.02.2025 made in C.C.No.104 of 2020.

2.The case of the prosecution is that the accused were found smuggling 6 kgs of ganja in a fertilizer bag without license.

3. After concluding the trial, the trial Court has found the petitioner guilty for the offence under Section 8(c) r/w 20(b)(ii)(B) and convicted and sentenced him to undergo 3 years rigorous imprisonment and to pay a fine of Rs.30,000/- in default, to undergo 6 months simple imprisonment.

4.The learned counsel for the petitioner submitted that no recovery was made from the petitioner/2nd accused. But it was not properly appreciated by the trial Court. It is further submitted that the mahazar does not contain the name of the petitioner, in order to implead him as an accused. The contraband was not produced to the Court immediately. It is further submitted that though the accused is involved in some other similar cases, he is released on bail in those cases.

5.The co-accused has also filed appeal in CrI.A(MD) No.303 of 2025 and her sentence has been suspended on condition. The petitioner has also made out the same ground, which is found to be arguable, I feel that prima facie appeal



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grounds present for hearing the appeal in detail.

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6. Considering the period of incarceration undergone by the petitioner and the impracticability of taking the appeal for final hearing immediately, I feel in the interest of justice it is appropriate to suspend the sentence of the accused, with conditions.

7. 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.1,00,000/- (Rupees One lakh only) with two sureties each for a like sum to the satisfaction of the I-Additional Special Court for EC and NDPS Act cases, Madurai. Out of two sureties, one must be a Government Servant and another surety must be a respectable person in his locality, either a elected people representative or a person, who is having permanent business establishment. The sureties shall file an affidavit before the respondent police, by ensuring that the petitioner will not indulge in any further offence in future and he will be available for appeal;
- ii. that the petitioner shall also file an undertaking affidavit before the respondent police that he will not indulge in any further offence in future and he will be available for appeal;



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iii.that the petitioner shall appear before the respondent police daily twice, ie.,

morning at 10.30a.m., and evening at 05.30p.m., until further orders.

8. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
23/06/2025

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

pnm
TO

- 1 THE I ADDITIONAL SPECIAL JUDGE FOR EC AND NDPS ACT CASES, MADURAI.
- 2 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
- 3 THE INSPECTOR OF POLICE, CUMBAM NORTH P.S, THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

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Date :23/06/2025



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NBF/25.06.2025 5P/5C

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

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