



Crl.M.P.(MD).No.9863 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.03.2025

CORAM:

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD).No.9863 of 2024

in

Crl.A.(MD).No.570 of 2024

T.Muthupandi

... Petitioner/ Appellant

Vs.

State rep. by,

The Inspector of Police,

Pattiveeranpatti P.S,

Dindugal District.

(Crime No.422 of 2019)

... Respondent/ Respondent

For Petitioner : M/s.N.A.Manimaran

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

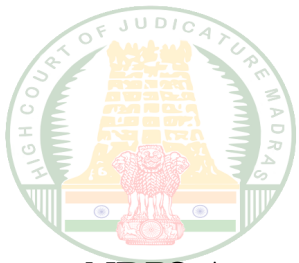
Prayer: Petition filed under Section 430(2) of BNSS to suspend the Sentence imposed by the Honorable I Additional Special Court for NDPS Act Cases Madurai in C.C.No.116 of 2022 dated 08.05.2024 and enlarge the petitioner on bail pending disposal of the Criminal Appeal No.570 of 2024.

ORDER

This petitioner is accused no.1 in C.C.No.116 of 2022 on the file of the I Additional Special Court for NDPS Act Cases Madurai. He was found guilty by the

trial Court for the offences under Section 8(c) read with 20(b) (ii) (c), 25 and 29 (1) of

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



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NDPS Act and sentenced to undergo rigorous imprisonment for a term of ten years with a fine of Rs.1,00,000/-, and in default, to undergo 12 months simple imprisonment.

2. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.570 of 2024 and the same has been admitted by this Court. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

3. The case of the prosecution is that on 10.11.2001 at about 02.00 pm, the petitioner along with two other accused have taken 21 kilogrammes of ganja in a cement bag in a motor cycle bearing registration no.TN 48 L 2347.

4. The learned counsel for the petitioner submits that the prosecution case itself is an unbelievable story and all the witnesses are police officials. According to him, the search memo, the arrest memo and all the forms are in the typed format and therefore, the case itself has been prepared in the police station and has been foisted against the petitioner.

5. The learned counsel for the petitioner further submits that there is a four days delay in producing the contraband before the trial Court and the mandatory provisions under Section 42, 50 52A of the NDPS Act were not complied with. The petitioner is in jail from the date of the judgment i.e., on 08.05.2024 and therefore,



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prayed for suspending the sentence.

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6. The learned Additional Public Prosecutor for the respondent submits that this petitioner along with two others have transported 21 kilogrammes of ganja and there is no violation as of mandatory provisions as projected by the petitioner. He also submits that apart from the petitioner, the co-accused/accused nos.2 and 3 have filed separate appeals before this Court in Crl.A.(MD)No.441 and 444 of 2024. He also pointed out that the petitioner is having two previous cases, however not under the NDPS Act. He also submits that the typed set of papers are ready and therefore, it can be taken up for final dismissal.

7. This court considered the rival submissions and perused the materials available on record.

8. As rightly pointed out by the learned counsel for the petitioner, it is quite unbelievable that 21 kilogrammes of ganja has been transported in a two wheeler along with three persons. Moreover, the contraband said to have been recovered on 10.11.2019, was placed before the learned Judicial Magistrate after four days. The petitioner has also projected that the Mahazar and other documents were all in typed format.

9. The petitioner is having some arguable points in the appeal and it could be decided at the time of final hearing. However, the appeal could not be taken up in



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the near future. Considering the available grounds and the period of incarceration of this petitioner, this Court is inclined to suspend the sentence imposed on this petitioner with certain conditions:-

- i. That the petitioner shall file an affidavit before the trial Court and before the respondent police that he will not indulge in any further offence;
- ii. The petitioner shall furnish two sureties for a sum of Rs.1,00,000/- each for a like sum to the satisfaction of the learned I Additional Special Court for NDPS Act cases at Madurai, out of which, one of the surety must be a respectable person viz., a government servant;
- iii. The petitioner shall stay at Sattur and report before the Station House Officer, Sattur Police Station, Virudhunagar District daily at 10.30 am until further orders.

sd/-

21/03/2025

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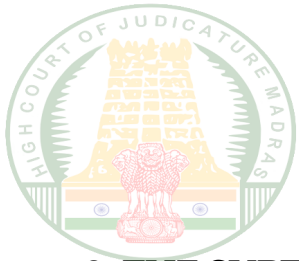
02/04/2025

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

RGM

TO

1 THE I ADDITIONAL SPECIAL JUDGE FOR NDPS ACT CASES,
MADURAI.



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2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
PATTIVEERANPATTI P.S,
DINDUGAL DISTRICT.

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

COPY TO:
THE STATION HOUSE OFFICER,
SATTUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

+1 CC to M/s.NA.MANIMARAN, Advocate (SR-3312[I] dated 24/03/2025)

ORDER
IN
Crl.M.P.(MD).No.9863 of 2024
in
Crl.A.(MD).No.570 of 2024
Date :21/03/2025

SA/SAR. /02.04.2025/5P/7C

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