



CRL MP(MD) NO. 12228 of 2024 in

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12-02-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 12228 of 2024 in

CrI.A(MD) No.913 of 2024

Esakiraja

S/o. Selvam, Sundar Nagar 1st Street, BSNL Exchange
Compound, Muthiyapuram, Thoothukudi District.

Petitioner

Vs

The State of Tamilnadu

Rep. by The Inspector of Police, Thoothukudi NIB CID, Crime No.
85/2016.

Respondent

For Petitioner:

Mr.S. Ramasamy, Advocate

For Respondent:

Mr. T.Senthil Kumar

Additional Public Prosecutor

ORDER

The petitioner is A5 in CC No.16 of 2018, on the file of the Special Court for EC and NDPS Act Cases, Madurai. He was found guilty by the trial Court for the offence under Sections 8(c) r/w 22(c), 25 and 29(1) of NDPS Act and was imposed with rigorous imprisonment of 10 years for each offence with Rs.1,00,000/- as fine and 6 months default sentence was also imposed. As against the judgment of conviction in



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CC No.16 of 2018, dated 04.10.2024, the petitioner has filed an appeal before this Court in CrI.A(MD) No.913 of 2024 and the same has been admitted by order dated 29.10.2024. The petitioner has also moved this Criminal Miscellaneous Petition to suspend the sentence imposed as against him, pending criminal appeal.

2.The learned counsel appearing for the petitioner submits that this petitioner has been arrested nearby place of occurrence, as if, this petitioner has escorted the accused vehicle, in which, the contraband was recovered. The respondents have not recovered any contraband from this petitioner. The investigating agency has not collected any materials that this petitioner had any nexus with the other accused in this case, from whom, the contraband was recovered. However, the trial Court, without appreciating the same, has mechanically rendered its judgment by convicting him. Therefore, the sentence imposed on the petitioner may be suspended.

3.The learned Additional Public Prosecutor appearing for the respondent submits that this petitioner was arrested along with the other accused. However, he fairly admits that he was not present in the Car, in which, the contraband was recovered. He was travelling in a Motorcycle at the time of recovery.

4.This Court considered the rival submissions made and also perused the materials placed on record.

5.Admittedly, the petitioner was not available in the Car, in which, the



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contraband has been recovered. However, the prosecution has projected the case, as if this petitioner has escorted the vehicle, in which, the contraband was transported. More over, the investigating agency has failed to collect any materials that this petitioner had any nexus with the other accused, except the confession statement of the co-accused. In the absence of any such materials, this Court is inclined to entertain this Miscellaneous petition.

6. Accordingly, this Criminal Miscellaneous Petition is ordered and the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on executing a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the Presiding Officer, Principal Special Court for EC and NDPS Act Cases, Madurai and on further condition that the petitioner shall appear before the said Court on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

sd/-
12/02/2025

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12/02/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN

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TO

1 THE PRINCIPAL SPECIAL JUDGE
FOR EC AND NDPS ACT CASES, MADURAI.

2 THE INSPECTOR OF POLICE,
THOOTHUKUDI NIB CID,

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.

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

+1 CC to M/s.S.RAMASAMY, Advocate (SR-1578[I] dated 12/02/2025)

ORDER

IN

CRL MP(MD) No.12228 of 2024

in

CrI.A(MD) No.913 of 2024

Date :12/02/2025

SS/SAR- /12/02/2025/ 4P/6C

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