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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16-12-2025**

CORAM

THE HONOURABLE MRS JUSTICE N. MALA

CRL MP(MD) NO. 15826 of 2025

in Crl.A(MD)No.519 of 2024

1. Naveenkumar
S/o.Chinnamayan
No.W2
Ulaga Thevar Street
Cumbum
Theni District. (Now confined in Madurai Central Prison)

Petitioner(s)

Vs

1. The State of tamilnadu
Rep. By The Inspector of Police
Cumbum North Police Station
Theni District.
(Crime No.638/2021).

Respondent(s)

For Petitioner(s):

M/s. Muhammad Akram J

For Respondent(s): Mr.B.Nambi Selvan

Additional Public Prosecutor

Prayer: This petition is filed under Section 430 of BNSS to Suspend the Sentence imposed by the I Additional Special Court for NDPS Act Cases, Madurai District in C.C.No. 66 of 2022 dated 11.08.2023 and enlarge the



appellant on bail pending disposal of the above said Criminal Appeal.

ORDER

This is second application for suspension of sentence. Earlier, when a similar application was filed for suspension of sentence in CrI.M.P(MD)No.5883 of 2024, this Court dismissed the same vide order dated 29.08.2024. The operative portion of the order of this Court dated 29.08.2024 reads as follows:

"13. It is admitted by the prosecution that except this case, the petitioner is involved in one other case. Since the only point to be considered in this appeal is whether it is a conscious possession or not? Since the quantity is a commercial quantity and the judgment of conviction was rendered on 11.08.2023, unless the petitioner is able to convince this Court that no offence is made out, he is not entitled for the discretion of suspension of sentence"

2. While dismissing the petition filed for suspension of sentence, this Court directed the Registry to prepare the type set and fixed the date for final disposal of the appeal as 18.09.2024.



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3. The petitioner has now filed the second petition to suspend the sentence.

The ground raised by the petitioner is that while appreciating the evidence on record, if two views are possible, the one in favour of the accused shall be followed by the learned Additional Special Court for NDPS Act Cases. The other ground raised is that the petitioner was the sole bread winner and he has to maintain his family and due to the conviction, his family was affected economically.

4. At the time of hearing, the learned counsel for the petitioner submitted that the evidence on record does not prove that the bundle seized from the petitioner contained commercial quantity of contraband and therefore, this Court on an earlier occasion only mentioned in the order that the the quantity is a commercial quantity. It is seen that neither in the earlier occasion nor in the affidavit filed in support of the present petition filed for suspension of sentence, the petitioner has raised this issue.

5. In any event, this Court is of the view that the said contention can be considered only at the time of final hearing. Therefore, this Court is not inclined to entertain this petition for suspension of sentence.



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6. It is submitted by the learned Additional Public Prosecutor that the typed set of papers is ready and the appeal is ripe for final hearing.

7. In view of the said submission, the date fixed for final disposal of the appeal is 04.03.2026.

8. Post on **04.03.2026**.

16.12.2025

CM



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N.MALA., J.

CM

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