



CRL MP(MD) NO. 426 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02-04-2025

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

CRL MP(MD) NO. 426 of 2025

in

CRL A((MD)NO.29 of 2025

M.Ravichandran alias Chandran
S/o. Mokkachamy, Aagureddiyapatti, Kalappanpatti Post,
Perayur Taluk, Madurai.

Petitioner(s)

Vs

The State of Tamilnadu,
Rep. by The Inspector of Police,
Sedapatti Police Station,
Madurai.
Crime No. 85/2018.

Respondent(s)

For Petitioner(s):

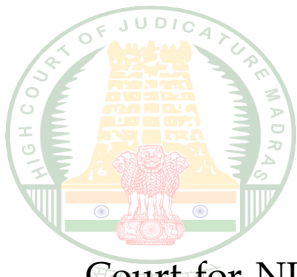
M/s. Thangaprithvirajan.P

For Respondent(s):

Mr.A.S.Abul Kalam Azad
Government Advocate

ORDER

The petitioner is A1 in C.C.No.159 of 2020, on the file of I Additional Special



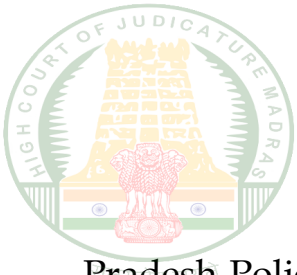
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Court for NDPS Act, Madurai. The trial Court found A1 to A4 guilty and since, A5 was not available for the trial, the case as against him was split up and the same is pending. A1 to A4 were convicted and sentenced as under:-

Offence under Section	Sentence
8(c) r/w. 20(b)(ii)(B) of NDPS Act, 1985	Convicted and sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.1,00,000/- and in default to undergo one year simple imprisonment.

2. As against the conviction and sentence imposed by the trial Court, the petitioner has filed a Criminal Appeal in CrI.A(MD) No.29 of 2025 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 petitioner is that the petitioner along with four others were found in possession of 78 kilograms of contraband and when the police tried to nab the accused, the petitioner and three others managed to flee away from the scene of occurrence and absconded. While so, the petitioner was arrested by the Andhra



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Pradesh Police in a similar NDPS Case and thereafter, he has been formally arrested
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in this case. The trial Court found him guilty and convicted and sentenced as stated
supra.

4. The learned counsel for the petitioner submits that the provisions under Section 42 of the NDPS Act, has not been complied with. According to him, the documents pertaining to Sections 42(1),(2) of the NDPS Act and Section 57 of the NDPS Act are false and fabricated and those documents were not placed before the trial Court in time.

5. He further submits that though the respondent police has registered a case for the offence under Sections 25 and 29 of the NDPS Act, the trial Court has found that the charges made as against the petitioner for the offence under Sections 25 and 29 of the NDPS Act have not been made out.

6. The learned Government Advocate for the respondent submits that the petitioner is a habitual offender. Apart from this case, he has been involved in the following cases:-



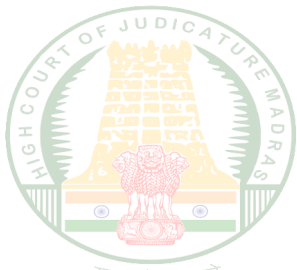
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Name of the accused	Offence under Section
Chandran @ Ravichandran	1. Sedapatti PS Cr.No.09/04 u/s 8(c) r/w 20(b)(ii)(A) of NDPS Act
	2. Sedapatti PS Cr.No.174/07 u/s 8(c) r/w 20(b)(ii)(B) of NDPS Act
	3. Sedapatti PS Cr.No.175/07 u/s 8(c) r/w 20(b)(ii)(B) of NDPS Act
	4. Sedapatti PS Cr.No.179/12 u/s 8(c) r/w 20(b)(ii)(B) of NDPS Act
	5. Sedapatti PS Cr.No.85/18 u/s 8(c) r/w 20(b)(ii)(C) & 25, 29(1) of NDPS Act
	6. Sedapatti PS Cr.No.108/12 u/s 8(c) r/w 20(b)(ii)(B) of NDPS Act
	7. Sedapatti PS Cr.No.09/21 u/s 8(c) r/w 20(b)(ii)(B) of NDPS Act
	8. Sedapatti PS Cr.No.221/21 u/s 8(c) r/w 20(b)(ii)(A) of NDPS Act
	9. NIBCID MDU Cr.No.58/13 u/s 8(c) r/w 20(b)(ii)(B) & 25 of NDPS Act
	10. Pommamara PS Cr.No.217/18 u/s 8(c) r/w 20(b)(ii)(C) NDPS Act in Andhra Pradesh State

7. According to the learned Government Advocate, this petitioner was found along with A2 to A4. However, he was managed to abscond from the scene of

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occurrence and later he was arrested by the Andhra Pradesh Police in a similar NDPS Case and thereafter, he has been formally arrested in this case.

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8. This Court considered the rival submissions on either side and perused the materials available on records.

9. Admittedly, the petitioner was in possession of commercial quantity of contraband. Therefore, the petitioner was tried before the I Additional Special Court for NDPS Act, Madurai for the offence under Section 8(c) r/w. 20(b)(ii)(B) of NDPS Act, 1985, and the trial Court has also found him guilty and convicted and sentenced as stated supra.

10. The violation pointed out by this petitioner under Section 42(A) has already been discussed by the trial Court in paragraph 13 as under:-

“13. In a case registered for the offense committed under the NDPS Act, the mandatory procedures contained under the act plays a vital role. In the case under section NDPS Act, the first mandatory procedure to be followed is the one U/s.42(2) of the NDPS Act. Section 42 relates to the power of entry, search,



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seizure and arrest without warrant or authorization. As per the Section 42(1) "Any such officer being an officer superior in rank to a Peon, Sepoy or constable, of the departments of or any such officer of the revenue, drugs control, excise, police or any other department of the State Government as is empowered in this behalf by general or special order of the State Government, if he has reason to believe from personal knowledge or information given by any person and taken down in writing is kept or concealed in any building, conveyance or enclosed place may between Sunrise and Sunset to enter into and search any such building, conveyance or place..... What is found in Section 42(1) is not the mandatory part of Section 42. Section 42(2) states that where an officer takes down any information in writing under sub-section (1) or records grounds for his belief under the proviso thereto, he shall within 72 hours send a copy thereof to his immediate Official Superior. So what is mandatory U/s.42 is the procedures contemplated U/s.42(2) alone."

11. Considering the antecedents as against the petitioner and considering the



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quantity of contraband seized, this Court is not inclined to suspend the sentence.

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Accordingly, this petition is dismissed. .

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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,
MADURAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
SEDAPATTI POLICE STATION,
MADURAI.

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

ORDER IN
CRL MP(MD) NO. 426 of 2025
in CRL A((MD)NO.29 of 2025
Date :02/04/2025

SA/SAR. /06.05.2025/7P/5C

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