



CRL.M.P.(MD)No.14151 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Friday, the Third day of January Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CRL.M.P.(MD)No.14151 of 2024

in

CRL.A.(MD)No.1136 of 2024

V.CHANDRAN

... PETITIONER/ APPELLANT/ ACCUSED 1

Vs

THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI DISTRICT.
(CRIME NO. 1095/2018)

... RESPONDENT/COMPLAINANT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the sentence imposed by the Honorable by judgment dt. 25.11.2024 in C.C.No. 413/2018 of Honorable I Additional Special Court for NDPS Act Cases, Madurai and enlarge the petitioner on bail pending disposal of the Criminal Appeal.

Prayer in CRL.A.(MD)No.1136 of 2024:

Pleased to allow the above appeal and Call for the records set aside the conviction and sentence passed by Judgment dated 25.11.2024 in C.C.No.413 of 2018 of Hon'ble I Additional Special Court for NDPS Act Cases, Madurai and acquit the appellant herein of all the charges.

Order : This Criminal Miscellaneous Petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of

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



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Mr.NA.MANIMARAN, Advocate for the petitioner and of Mr.R.MEENAKSHI SUNDARAM, Additional Public Prosecutor on behalf of the Respondent, the court made the following order:-

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in C.C.No.413 of 2018, dated 25.11.2024, by the Learned I Additional Special Court for NDPS Act Cases, Madurai, and enlarge the petitioner on bail pending the disposal of this Criminal Appeal.

2.The case of the prosecution is that on 08.06.2018, at 09.00 hours, P.W.2 received a secret information about the illegal transportation of Ganja in the place of occurrence. After receiving the secret information, P.W.2 and his team went to the place of occurrence near Karpagam Hospital, Cathedral Church, Narimedu, Madurai. The informer identified the person, who was coming from west to east in Suzuki Access two wheeler bearing Registration No.TN 58 AC 8402 and left that place. P.W.1 stopped him and he and his team surrounded him and on enquiry, he revealed his name as Chandran. Thereafter, a search was made on suspicion and P.W.2 recovered the contraband weighting 10 kgs of Ganja and samples were taken as per the procedure. After completing all the formalities, a case was registered against the petitioner and others in Crime No.1095 of 2018 for the offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act and after completing the investigation process, a final report was filed before the trial Court. The same was taken on file in C.C.No.413 of 2018 by



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the Learned I Additional Special Court for NDPS Act Cases, Madurai.

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3. During the trial, the prosecution has examined 3 witnesses as P.W.1 to P.W.3 and exhibited 11 documents as Ex.P.1 to Ex.P.11 and marked M.O.1 to M.O.3. On the side of the defence, neither a witness was examined nor a document was exhibited.

4. The learned trial Judge after full-fledged trial has passed the judgment in C.C.No.413 of 2018, dated 25.11.2024, and convicted the petitioner/accused for the offence under Section 8(c) r/w 20(b)(ii)(B) of NDPS Act, 1985, and sentenced them to undergo three years Rigorous Imprisonment and to pay a fine of Rs.25,000/- in default to undergo six months Simple Imprisonment. Aggrieved over the above said conviction and sentence, imposed by the trial Court, the petitioner preferred the present Criminal appeal along with the present Miscellaneous Petition seeking for suspension of sentence.

5. The learned counsel for the petitioner submitted that he has no previous antecedent against him and his incarceration for the past number of months. He further submitted that there is violation of Sections 42 and 50 of NDPS Act. He further submitted that there are several material contradiction between the recovery proceedings. Hence, he seeks suspension of sentence.

6. The learned Additional Public Prosecutor appearing for the respondent Police submitted that even though he has no previous antecedent, but he has carried



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10 kgs of Ganja. He further submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed to release the petitioner. He further submitted that in this case, contraband was recovered and all the procedures were complied with.

7.This Court considered the rival submission made by the learned counsel appearing on either side and perused the materials available on record.

8.Considering the special circumstances of the case and also considering the fact that there was no previous antecedent against the petitioner and the period of incarceration and there are some arguable points involved in the criminal appeal, the petitioner is entitled to the relief of grant of suspension of sentence.

9.Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the Learned I Additional Special Court for NDPS Act Cases, Madurai,;

(ii)The sureties shall affix his photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of his Aadhar card or Bank Pass Book to ensure



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their identity; and

(iii)The petitioner shall appear before the trial Court
daily at 10.30 a.m., till the disposal of the appeal.

sd/-
03/01/2025

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03/01/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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

2 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

3 THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.NA.MANIMARAN, Advocate (SR-42[I] dated 03/01/2025)

ORDER IN
CRL.M.P.(MD)No.14151 of 2024
in CRL.A.(MD)No.1136 of 2024
Date :03/01/2025

SA/SAR. /03.01.2025/5P/6C

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