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CRL MP No. 16437 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2026

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.M.P.No.16437 of 2025

in

Crl.A.No.1376 of 2025

Dubash Shankar @ Shankar
S/o.Thirunavukarasu,
No.5, Mettu Street, Kodungaiyur,
Chennai - 600 118.

...Petitioner(s)

Vs.

Union of India,
Rep. by the Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Survey No.49,
Plot No.PD2, Ayyapakkam,
Chennai - 600 077.

...Respondent(s)

PRAYER:- Criminal Miscellaneous Petition is filed Section 438 r/w 442 of BNSS, to suspend the sentence imposed by the learned I-Additional Special Judge, Special Court for Exclusive Trial of cases under NDPS Act, Chennai, in Calendar Case No.82 of 2022 dated 03.01.2025, enlarge the petitioner on bail during the pendency of the appeal.

For Petitioner(s): Mr.S.Natarajan

For Respondent(s): Mr.N.P.Kumar
Special Public Prosecutor

ORDER





25.06.2025 and A3 was also granted suspension of sentence later; that considering the period of incarceration and since the petitioner has served substantial portion of the sentence, the sentence imposed on him may be suspended.

“However, if, in the facts of the case, an accused has undergone a substantial part of the substantive sentence and, considering the pendency of criminal appeals, his appeal is not likely to be heard before the accused undergoes the entire sentence, the Appellate Court can exercise the power of



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6. The accused is in custody from 17.07.2021. He has served a substantial portion of the sentence. The appeal is not likely to be taken up in the near future. The sentences imposed on the co-accused have been suspended. Considering all the above aspects, this Court is inclined to suspend the sentence imposed on the petitioner subject to the following conditions:

(i) The petitioner/Accused shall deposit a sum of Rs.3,00,000/- (Rupees Three Lakhs Only) to the credit of C.C.No.82 of 2022 on the file of the learned I-Additional Special Judge, Special Court for Exclusive Trial of cases under NDPS Act, Chennai, within a period of four weeks from the date of receipt of a copy of this order;

(ii) Thereafter, the sentence of imprisonment alone imposed on the petitioner/Accused shall be suspended, on him executing a bond for a sum of Rs.10,000/- with two sureties each for a likesum to the satisfaction of the learned I-Additional Special Judge, Special Court for Exclusive Trial of cases under NDPS Act, Chennai;



(iii) The petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Trial Court may obtain a copy of their Aadhar card or Bank pass Book and mobile numbers to ensure their identity;

(iv) The petitioner shall appear before the Trial Court on the first working day of every month at 10.30 a.m. until the disposal of the appeal and if he is not able to appear before the Trial Court on any day, he shall make arrangements to file an application under Section 317 Cr.P.C., and shall appear before the Trial Court on any other day in lieu of the date of his absence, as directed by the Trial Court; and

27.01.2026

(2/2)

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To

1. The Special Court for Exclusive Trial of cases under NDPS Act, Chennai,

2. Union of India

Represented by the Intelligence Officer,
Narcotics Control Bureau,
Chennai Zonal Unit, Survey No.49,
Plot No.PD2, Ayyapakkam,
Chennai - 600 077.

SUNDER MOHAN J.
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in Crl.A.No.1376 of 2025**

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