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CRL OP No. 33563 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP No. 33563 of 2025

K.Pakiyam

..Petitioner

Vs

The Superintendent of Central Prison for Women,
Puzhal, Chennai - 600 066.

..Respondent

Prayer: Criminal Original Petition filed under Section 528 of BNSS, seeking to pass an order to run concurrently the judgement in C.C.No.295 of 2016 dated 19.01.2023 on the file of I-Additional Special Court for NDPS Act Cases Madurai (FAC) with the judgement in C.C.No.4 of 2018 dated 27.05.2022 on the file of Special Court for Exclusive Trial of Cases under NDPS Act, Chennai by considering the representation dated 29.11.2025 to secure the ends of justice.

For Petitioner(s): Mr.R.Sankarasubbu

For Respondent(s): Mr.S.Santhosh

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition is filed seeking an order that the sentence imposed *vide* judgment dated 19.01.2023 in C.C.No.295 of 2016 on the file of the I Additional Special Court for NDPS Act Cases, Madurai (FAC), (for short



“Madurai NDPS Court”) shall run concurrently with the sentence imposed *vide* judgment dated 27.05.2022 in C.C.No.4 of 2018 on the file of Special Judge, I Additional Special Court for Exclusive Trial of Cases under the NDPS Act, Chennai, (for short “Chennai NDPS Court”), by considering the petitioner’s representation dated 29.11.2025

2. The submissions of the learned counsel for the petitioner are as follows:

2.1 The petitioner, who is a lady was arrested in R.R.No.10 of 2017 – In NCB.F.No. 48/1/5/2017-NCB/MDS registered by the NCB, Chennai, on 25.07.2017. The NCB, Chennai, after completing the investigation, filed a final report which was taken up as C.C. No.4 of 2018 on the file of the Chennai NDPS Court. After a full-fledged trial, the Chennai NDPS Court, *vide* judgment dated 27.05.2022, convicted and sentenced the petitioner as follows:

Provision under which convicted	Sentence
Section 8(c) r/w 20(b)(ii)(C) of NDPS Act	10 years RI and fine of Rs.1 lakh, in default, RI for three months
Section 8(c) r/w 25 of NDPS Act	10 years RI and fine of Rs.1 lakh, in default, RI for three months

2.2 Meanwhile, when she was in remand in the aforesaid case, she was arrested on PT warrant in a case in Crime No.57 of 2016 registered by NIBCID, Madurai.



2.3 After completion of investigation, the NIBCID, Madurai, filed a final report before the Madurai NDPS Court and the case was taken up for trial in C.C.No.295 of 2016. After a full-fledged trial, the petitioner, by judgment dated 19.01.2023 was found guilty and was convicted and sentenced as follows:

Provision under which convicted	Sentence
Section 8(c) read with Section 20(b)(ii)3 years RI and fine of Rs.10,000/-, in (B) of NDPS Act	default, SI for two weeks

2.4 The petitioner was throughout in jail and she faced trial. The Madurai NDPS Court, while convicting the petitioner in C.C.No.295 of 2016 ought to have ordered that the sentence in the said case should run concurrently with the earlier sentence imposed by the Chennai NDPS Court in C.C.No.4 of 2018. However, the Madurai NDPS Court did not do so and hence, the petitioner is unable to come out on bail, despite the sentence imposed by the Chennai NDPS Court having been suspended by this Court *vide* order dated 25.11.2025 in CrI.M.P.No.14573 of 2025 in CrI.A.No.398 of 2023.

3. Learned Government Advocate (CrI. Side) appearing for the respondent would submit that the petitioner was in judicial custody from 25.07.2017 and she faced trial in both the cases while undergoing incarceration.



4. Heard Mr.R.Sankara Subbu, learned counsel appearing for the petitioner and Mr.S.Santhosh, learned Government Advocate (Crl. Side) appearing for the respondent.

5. Admittedly, the petitioner had been in prison from 25.07.2017 and she was convicted by the Chennai NDPS Court in C.C.No.4 of 2018 on 27.05.2022 and sentenced as set out in paragraph 2.1 *supra*. Subsequently, she was convicted by the Madurai NDPS Court in C.C.No.295 of 2016 on 19.01.2023 and sentenced as set out in paragraph 2.3 *supra*.

6. As rightly argued by the learned counsel for the petitioner, the Madurai NDPS Court ought to have exercised its discretion and ordered that the sentence imposed in C.C.No.295 of 2016 on its file should run concurrently with the sentence imposed by the Chennai NDPS Court in C.C.No.4 of 2018, which has not been done.

7. Hence, by exercising jurisdiction under Section 482 Cr.P.C., this Court orders that the sentence in C.C.No.295 of 2016 imposed by the Madurai NDPS Court on 19.01.2023 shall run concurrently with the earlier sentence imposed by the Chennai NDPS Court in C.C.No.4 of 2018 on 27.05.2022.



8. Now that the sentences have been ordered to run concurrently, the respondent shall take into consideration the period of imprisonment undergone by the petitioner and pass orders accordingly by considering her representation within a period of one week from the date of receipt of a copy of this order.

9. This Criminal Original Petition is disposed of on the above terms.

No costs.

30-01-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KKN

Note: Issue order copy on 03.02.2026

To

1. The I Additional Special Judge for Exclusive
Trial of Cases under the NDPS Act, Chennai
2. The I Additional Special Judge for
NDPS Act Cases, Madurai
3. The Superintendent of Central Prison for Women
Puzhal
Chennai 600 006
4. The Public Prosecutor
Madras High Court
Chennai 600 104



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A.D.JAGADISH CHANDIRA, J.

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