



*CrI.MP(MD) No.3303 of 2024 in
CrI.A(MD) No.231 of 2024*

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :02.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.M.P.(MD)No.3303 of 2024
in CrI.A.(MD)No.231 of 2024

Thondhiammal

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
NIBCID Police Station,
Theni District.
Crime No.203 of 2014

... Respondent

Prayer: Petition filed under Section 389(1) of Cr.P.C. to suspend the sentence as imposed on the petitioner by means of a Judgment dated 04.09.2023 in C.C.No.109 of 2015 on the file of the learned Principal Special Judge for EC and NDPS Act Cases, Madurai forthwith and thereby enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

For Petitioner : Mr.P.Thanga Prithvirajan

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor



*Crl.MP(MD) No.3303 of 2024 in
Crl.A(MD) No.231 of 2024*

WEB COPY

ORDER

The petitioner, sole accused in C.C.No.109 of 2015, on the file of the learned Additional District Judge, Principal Special Court for EC and NDPS Act Cases, Madurai was found guilty by the trial Court and was convicted and sentenced as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1	8(c) r/w 20(b)(ii)(C) of NDPS Act	10 years RI	Rs. 1,00,000/-	6 months SI

As against the conviction and sentence imposed by the trial Court in C.C.No.109 of 2015, dated 04.09.2023, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.231 of 2024 and the same was admitted by this Court on 18.03.2024. The petitioner has also moved this application to suspend the sentence imposed on him by the trial Court.

2. The case of the prosecution is that on 18.12.2014, at about 08.30 hours, near Kokilapuram Vilakku, along Chinnamanur - Uthamapalayam main road, Theni, this petitioner was found to be in illegal possession of 22 kg of ganja for the purpose of selling. Hence, the case.



*Crl.MP(MD) No.3303 of 2024 in
Crl.A(MD) No.231 of 2024*

WEB COPY

3. The learned counsel appearing for the petitioner submits that the petitioner is aged about 78 years and is in jail for nearly three years. He submits that the petitioner is ready and willing to file an undertaking affidavit that the petitioner will not involve in any such offence in future.

4. The learned Additional Public Prosecutor appearing for the respondent opposed for grant of suspension of sentence by stating that the ganja involved in this case is commercial quantity.

5. This Court considered the rival submissions made and also perused the materials placed on record.

6. Considering the age of the petitioner, period of incarceration and the fact that the petitioner is ready to file an undertaking affidavit that she will not involve in any such offence in future and for the reasons that the appeal could not be taken up immediately, this Court is inclined to suspend the sentence imposed on the petitioner.



*Crl.MP(MD) No.3303 of 2024 in
Crl.A(MD) No.231 of 2024*

WEB COPY

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail 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 Government sureties each for a like sum to the satisfaction of the learned Additional District Judge, Principal Special Court for EC and NDPS Act Cases, Madurai.
- ii. The petitioner shall report before the respondent police daily at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioner and the Government sureties shall file an affidavit of undertaking before the respondent police that the petitioner will not misuse the liberty granted by this Court and will not involve in any offence in future.
- iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to her.

02.04.2026

mbi



*CrI.MP(MD) No.3303 of 2024 in
CrI.A(MD) No.231 of 2024*

To

1.The learned Additional District Judge,
Principal Special Court for EC and NDPS Act Cases,
Madurai.

2.The Inspector of Police,
NIBCID Police Station,
Theni District.

3.The Superintendent,
Central Prison (women),
Madurai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



*Crl.MP(MD) No.3303 of 2024 in
Crl.A(MD) No.231 of 2024*

B.PUGALENDHI, J.,

mbi

Crl.MP(MD) No.3303 of 2024
in
Crl.A(MD) No.231 of 2024

02.04.2026