



CRL MP(MD), No.7321 of 2026

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.06.2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CRL MP(MD)No.7321 of 2026

in

CRL A(MD)No.421 of 2026

Kottaisamy
S/o.Veerukutty

... Petitioner

Vs

The State of Tamilnadu, Rep. by
The Inspector of Police,
NIB - CID
Theni,
Theni District.
Crime No. 127 of 2009.

... Respondent

This petition filed under Section 430(1) of BNSS 2023, seeking to suspend the sentence imposed by the I Additional Special Court for NDPS Act Cases, Madurai, passed in C.C.No.48 of 2010 dated 11.08.2023 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.P.Thanga Prithvi Rajan
For Respondent : Mr.A.Robinson,
Counsel for State of Tamil Nadu
(Crl. side)



CRL MP(MD), No.7321 of 2026

WEB COPY

ORDER

The petitioner is the accused in C.C.No.48 of 2010 on the file of the I Additional Special Court for NDPS Act Cases, Madurai. He was tried for the offence under Section 8(c) r/w. 20(b)(ii)(B) of the NDPS Act that he was found in possession of 18 kgs. of ganja. In conclusion of trial, the trial Court, by its Judgment dated 11.08.2023, found the petitioner guilty for the offence under Section 8(c) r/w. 20(b)(ii)(B) of the NDPS Act and convicted and sentenced him to undergo rigorous imprisonment for six years and to pay a fine of Rs.5,000/-, in default, to undergo simple imprisonment for a further period of one month. Challenging the same, the petitioner has preferred a Criminal Appeal in CrI.A.(MD)No.421 of 2026 and the same has been admitted by this Court on 07.04.2026. Along with this appeal, the petitioner has moved this petition seeking to suspend the sentence imposed by the trial Court.

2. The learned counsel appearing for the petitioner submits that the quantity of ganja involved in this case is an intermittent quantity and the petitioner is in jail for nearly two years and nine months and

2/6



CRL MP(MD). No.7321 of 2026

therefore, according to the learned counsel, the petitioner has completed half of the sentence period. He further submits that the appeal could not be taken up for final hearing immediately and therefore, this petition may be considered.

3. The learned Counsel for State of Tamil Nadu (Crl. Side) opposed this petition stating that the petitioner is a habitual offender involved in three cases of similar in nature. He has also furnished the case details as under:

(i) Chennai NIB CID – Cr.No.80/2019 – u/s. 8(c) r/w. 20(b)(ii)(C), 25, 29(1) of NDPS Act. - C.C.No.189 conviction – 12 years RI and Fine of Rs.1,20,000/-;

(ii) Theni NIB CID – Cr.No.17/2018 – u/s.8(c) r/w. 20(b)(ii)(A) NDPS Act (Dry ganja 800 gram) – C.C.No. 2498/2018 – convicted – Fine Rs.700/-;

(iii) Cumbum North Police Station – Cr.No.83/2014 u/s. 8(c) r/w. 20(b)(ii)(B) NDPS Act (Dry Ganja 1,500 kgs.) - C.C.No.107/2014 – conviction – one year RI and Fine of Rs.3,000/-;



CRL MP(MD), No.7321 of 2026

The learned counsel further submits that the petitioner, while in jail, had obtained parole on 03.07.2025 and thereafter, he had absconded and he was secured only on 09.08.2025. In this regard, a case has been registered on the file of Uthamapalayam Police Station, in Cr.No. 260/2025, for the offence under Section 262 BNS.

4. Considering the conduct of the petitioner and the antecedent of the petitioner, this Court is not inclined to suspend the sentence imposed by the trial Court.

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

04.06.2026

ogy



CRL MP(MD), No.7321 of 2026

WEB COPY

To

1. The I Additional Special Court
for NDPS Act Cases,
Madurai.
2. The Inspector of Police,
NIB - CID
Theni,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



CRL MP(MD), No.7321 of 2026

B.PUGALENDHI, J.

ogy

CRL MP(MD)No.7321 of 2026
in
CRL A(MD)No.421 of 2026

04.06.2026