



Crl.MP(MD) No.4047 of 2025 in
Crl.A(MD) No.54 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :04.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.4047 of 2025

in

Crl.A(MD) No.54 of 2025

R.Aswin

... Petitioner

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
NIB CID,
Thoothukudi District.
Crime No. 07/2022.

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430(1) of BNSS, 2023 to suspend the sentence and conviction made in the judgement, dated 03.12.2024 in C.C. No. 710 of 2022 passed by the learned Judge, Principal Special Court For EC and NDPS Act cases, Madurai.



Crl.MP(MD) No.4047 of 2025 in
Crl.A(MD) No.54 of 2025

For Petitioner : Mr.V.K.Sathyamoorthy
For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The petitioner/A4 in Crime No.7 of 2022, on the file of the Thoothukudi NIBCID Police Station, along with other accused was found in possession of 9.985 kg of Methamphetamine. The case was charge sheeted in CC.No.710 of 2022, on the file of the Special Court for EC & NDPS Act cases, Madurai and the trial Court has found the petitioner guilty and convicted and sentenced him as under:-

Sl.No	Sections	Punishment	Fine amount	Default
1.	8(c) r/w 22(C) 23(C), 29(1) of NDPS Act	10 years Rigorous imprisonment	Rs.1,00,000/-	6 months simple imprisonment

As against the conviction and sentence imposed by the trial Court in CC No.710 of 2022, dated 03.12.2024, the petitioner has filed a Criminal Appeal in Crl.A(MD) No.54 of 2025. Along with the appeal, the petitioner has also moved this application to suspend the sentence imposed on him by the trial Court. Though the application has been



Crl.MP(MD) No.4047 of 2025 in
Crl.A(MD) No.54 of 2025

filed in the year 2025, it was not taken up for hearing for the past one year.

2.The learned counsel appearing for the petitioner has pointed out that the petitioner is in jail from the date of his arrest and therefore, according to the learned counsel, the petitioner has already undergone four years of imprisonment. The learned counsel for the petitioner undertakes to abide by any condition imposed by this Court.

3.The learned Additional Public Prosecutor has raised serious objections that the petitioner along with other accused were found in possession of 9.985 kg of Methamphetamine, which is a huge quantity. He further submits that if the petitioner is granted with suspension of sentence, he would involve in similar offence in future.

4.In reply, the learned counsel for the petitioner submits that the petitioner has now realised his mistake and he will not indulge in any offence in future. He further submits that he is having a good case



in appeal and insisted for final disposal of the criminal appeal.

5. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

6. The petitioner has raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up immediately, for want of time. In view of the above and considering the period of incarceration, this Court is inclined to suspend the sentence imposed on the petitioner. However, considering the serious objections raised by the learned Additional Public Prosecutor, this Court imposes certain stringent conditions on the petitioner.

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:-



WEB COPY



Crl.MP(MD) No.4047 of 2025 in
Crl.A(MD) No.54 of 2025

- i. The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the Principal Special Court for EC & NDPS Act cases, Madurai, out of which, one surety must be a Government servant.
- ii. The persons, who are offering surety to the petitioner must file an affidavit of undertaking before the respondent police, ensuring that the petitioner will not involve in any offence pending criminal appeal.
- iii. The petitioner shall appear before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, once in a week till the disposal of the appeal.
- iv. The petitioner is not entitled for any condition relaxation in future. The learned counsel for the petitioner undertakes that



WEB COPY



Crl.MP(MD) No.4047 of 2025 in
Crl.A(MD) No.54 of 2025

that they would not file any application to relax this condition pending the appeal.

v. 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 him.

04.03.2026

Index : Yes/No
Internet : Yes/No
vrn

To

- 1.The Principal Special Court For EC and NDPS Act cases, Madurai.
- 2.The Inspector of Police,
NIB CID,
Thoothukudi District.
- 3.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.



WEB COPY



Crl.MP(MD) No.4047 of 2025 in
Crl.A(MD) No.54 of 2025

B.PUGALENDHI, J.,

vrn

Order made in
Crl.MP(MD) No.4047 of 2025 in
Crl.A(MD) No.54 of 2025

04.03.2026
(8/8)