



Crl.MP(MD) No.8469 of 2026 in
Crl.A(MD) No.463 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.MP(MD) No.8469 of 2026

in

Crl.A(MD) No.463 of 2026

Arunkumar

... Petitioner

Vs

The State rep by its,
The Inspector of Police,
Theni NIB-CID,
[Crime No.81 of 2017]

... Respondent

Prayer :- This Criminal Miscellaneous Petition is filed under Section 430 of BNSS, 2023 to suspend the sentence passed in CC.No.317 of 2022, on the file of the Principal Special Court for EC and NDPS Act Cases, Madurai, dated 27.05.2025 against the petitioner.

For Petitioner : Mr.Niranjan S.Kumar
For Respondent : Mr.A.Robinson
Government Advocate



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ORDER

The petitioner is accused No.2 in CC No.317 of 2022, on the file of the Principal Special Court for EC and NDPS Act Cases, Madurai. By judgment dated 27.05.2025 the petitioner has been found guilty, convicted, sentenced to undergo 10 years rigorous imprisonment with a fine of Rs.1,00,000/- and in default to undergo simple imprisonment for a period of 6 months for the offence u/s 8(c) r/w20(b) (ii)(C) of NDPS Act. However accused No.1 has been acquitted of the charges. As against the conviction and sentence imposed by the trial Court, the petitioner has filed an appeal in CrlA(MD)No.463 of 2026 and the same has been admitted by this court on 21.04.2026. Along with the appeal, the petitioner has moved this application to suspend the sentence imposed on him.

2.The learned counsel appearing for the petitioner submits that the mandatory provisions under Section 42, 57 and 52 of the NDPS Act have not been complied with. According to the prosecution the confession statement of this petitioner has been recorded at 7.45 am, however, in the Ex.P3 Athatchi, the time is mentioned as 8.50 am and 9.50am, which



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creates doubt on the recovery itself. PW2 states the incident occurred in the public place and CCTV cameras were available around the area, however, no CCTV footage has been collected and no independent witness has been examined. The prosecution has failed to prove the conscious possession of the contraband. He further submits that the accused No.1 has been acquitted by the trial court by judgment dated 21.03.2023. The petitioner was in jail from 12.05.2017 to 17.05.2018 and he is in jail from 27.05.2025.

3.The learned Government Counsel submits that the trial court has acquitted accused No.1 as there was no recovery from him. However, contraband is recovered from this petitioner. According to him, the petitioner was in possession of 45 kgs of ganja. He further submits that apart from this case the petitioner has involved in the following cases:

Sl. No	Name of the Police Station & Crime No.	Crime No.	offences
1	Madurai City, Avaniyapuram PS	665/2021	269 of ED Act, 1897, 12 of TNG Act
2	Madurai City, Avaniyapuram PS	2312/2020	75 of TN CP Act
3	Madurai City, Avaniyapuram PS	119/2020	75 of TN CP Act



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Sl. No	Name of the Police Station & Crime No.	Crime No.	offences
4	Madurai City, Avaniyapuram PS	871/2019	75 of TN CP Act
5	Madurai City, Avaniyapuram PS	1478/2015	75 of TN CP Act
6	Madurai City, Avaniyapuram PS	281/2015	75 of TN CP Act
7	Madurai City, Avaniyapuram PS	232/2014	110(a) of CrPC
8	Keeraithurai PS	133/2023	75 of TN CP Act
9	Keeraithurai PS	562/2022	75 of TN CP Act
10	Keeraithurai PS	128/2017	75 of TN CP Act
11	Vilkkuthoon PS	351/2021	188, 269 IPC, 3ED Act, 1897

Therefore, he has raised his objection for suspending the sentence.

4.This court has considered the rival submissions made and also perused the materials placed on record.

5.The petitioner has been tried along with A1 and A1 has been acquitted by the trial Court. The petitioner has raised certain arguable points which can be considered during the final hearing of the appeal. However, for want of time, the appeal could not be taken up immediately



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for hearing. Considering the period of incarceration and that the appeal could not be taken up for final hearing immediately, this Court is inclined to suspend the sentence imposed on him with the following conditions:

6. 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.1,00,000/- (Rupees One Lakh) with two sureties each for a like sum to the satisfaction of the Principal Special Court for EC and NDPS Act Cases, Madurai and one of the sureties must be a Government servant.
- ii. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police, ensuring that the petitioner will not involve in any offence in future and he will be available during the final hearing of the appeal.
- iii. The petitioner shall report before the respondent police daily at 10.30 a.m, until further orders.



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- iv. If the petitioner changes his address it shall be immediately informed to the respondent police.
- v. If the petitioner violates any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

17.06.2026

Index : Yes/No
Internet : Yes/No

DSK

To

- 1.The Principal Special Court
for EC and NDPS Act Cases,
Madurai.
- 2.The Inspector of Police,
Theni NIB-CID, Theni
- 3.The Superintendent,
Central Prison,
Madurai.

Copy to

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



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B.PUGALENDHI, J.,

DSK

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