

CrIMP(MD)No.5517 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.5517 of 2025
in
CrIA(MD)No.492 of 2025**

Pappish

...Petitioner

Vs

**State through
The Inspector of Police,
Kottar Police Station,
Kanyakumari District,
[Crime No.718 of 2021]**

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence and conviction made in the judgment dated 28.08.2024 in CC.No.97 of 2022 passed by the I Additional Special Court for NDPS Act Cases, Madurai

For Petitioner : Mr.P.Thangaprithvirajan

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor



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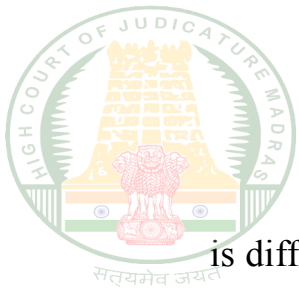
ORDER

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This petitioner is accused No.1 in C.C.No.97 of 2022 on the file of the I Additional Special Court for NDPS Act Cases Madurai. By judgment dated 28.08.2023, he was found guilty, convicted under Section 8(c) read with 20(b) (ii) (C) of NDPS Act and sentenced to undergo rigorous imprisonment for 10 years with a fine of Rs.1,00,000/-, and in default, to undergo 6 months simple imprisonment. As against the conviction and sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in CrI.A(MD)No.492 of 2025 and the same has been admitted by this Court on 24.04.2025. Along with the appeal, the petitioner has filed this petition to suspend the sentence.

2.The case of the prosecution is that the petitioner and other accused were found in possession of 21kgs ganja and they were arrested along with the contraband. Hence the case.

3.The learned counsel for the petitioner submits that the mandatory provisions under the NDPS Act have not been followed and the seizure of the contraband is not duly proved. The signature of the A5 in the MOs



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is different. He further submits that the petitioner is in jail for more than 4 years and 8 months and he has undergone nearly half of the sentence.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed this petition that apart from this case, the petitioner has involved three other cases of 379 IPC.

5.This court has considered the rival submissions made.

6.The petitioner has raised certain arguable points in this petition, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. The petitioner completed nearly half of the sentence. Considering the period of sentence imposed, the period of incarceration already undergone, for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition, however with stringent conditions due to his bad antecedents.



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7. Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing 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 I Additional Special Court for NDPS Act Cases, Madurai and one of the sureties must be a government servant.

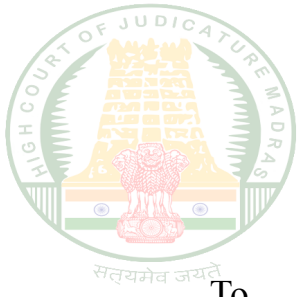
(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty, will not indulge in any further offence and will be available for trial in the other cases, also for this appeal.

(iii) The petitioner shall report before the respondent police daily at 10.30 am.

(iv) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

24.04.2026

DSK



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To
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- 1.The Inspector of Police,
Kottar Police Station,
Kanyakumari District,
- 2.Additional District Judge,
I Additional Special Court
NDPS Act Cases, Madurai.
- 3.The Superintendent,
Central Prison,
Palayamkottai.

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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