



CRL MP(MD). No.6456/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 30.01.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

**CRL MP(MD). No.6456/2025
in
CRL A(MD)No.568/2025**

Ashok

... Petitioner

Vs

State of Tamilnadu Rep by
The Inspector of Police,
Kurinjipadi Police Station
Cuddalore District.
Crime No.184/2023.

... Respondent

PRAYER :- Criminal Miscellaneous Petition filed under Section 430 of BNSS to suspend the sentence passed in CC.No.71/2024 dated 09.04.2025 on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur pending disposal of the above Criminal Appeal.

For Petitioner : Mr.K.M.Karunakaran

For Respondent : Mr.B.Nambi Selvan, APP

ORDER

This Criminal Miscellaneous Petition is filed to suspend the sentence passed by the learned Additional District Judge / Presiding



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Officer, Special Court under Essential Commodities Act, Thanjavur, in CC.No.71/2024 dated 09.04.2025, and enlarge the petitioner on bail pending disposal of the appeal.

2.The case of the prosecution in brief is that on secret information, PW4-Veerasekaran, Inspector of Police, Kurinjipadi Police Station, along with PW1-Elangovan, Special Sub Inspector of Police and PW2-Pazhanivel, Head Constable and one Mr.Balakrishnan, Grade-I PC, on 09.09.2023, at about 8.30 a.m., checked vehicles in Vadalur-Kurinjipadi Main Road. While so, they intercepted the accused persons, who were coming from Vadalur towards Kurinjipadi and when they tried to escape from the scene, the police personnel apprehended them. The police found that A1/petitioner herein and A2 were each carrying a black colour and brown colour shoulder bags and on search, the police found that the black colour bag contained 3 polythene covers, containing ganja leaves and seeds, weighing 5.865 Kgs in total and the brown colour bag contained 4 polythene covers, containing ganja, weighing 5.700 kgs in total. The total weight of ganja seized was 11.565 Kgs. After following the procedure, the case was registered in Crime No.184/2023 for the offences punishable u/s.8[c] read with 20[b][ii][b] of NDPS Act, 1985.



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After completion of investigation, the case was taken on file in CC.No. 71/2024 on the file of the learned Additional District Judge / Presiding Officer, Special Court under Essential Commodities Act, Thanjavur.

3.Before the Trial Court, on the side of the prosecution, 5 witnesses were examined as PW1 to PW5 and 19 documents were filed as Exs.P1 to P19. The prosecution also marked 2 material objects as MO1 and MO2. On the side of the defence, no oral or documentary evidence was adduced.

4.On completion of trial, the Trial Court convicted and sentenced the petitioner, as follows:-

<i>Sl.No.</i>	<i>Conviction under Section</i>	<i>Sentence imposed</i>
1	8[c] r/w.20[b][ii][b] of NDPS Act	To undergo RI for 5 years, to pay a fine of Rs.20,000/- and in default, to undergo RI for 1 year.

4.Aggrieved by the aforesaid conviction and sentence, the petitioner has preferred the above appeal along with the petition to suspend the sentence.

5.A counter has been filed by the respondent.

6.The learned counsel for the petitioner submitted that there were various contradictions and inconsistencies in the prosecution's case



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apart from the procedural violations, particularly, Section 52[a][2][c] of the NDPS Act.

7.The learned Additional Public Prosecutor, appearing for the State submitted that the Trial Court, after elaborate consideration of the entire evidence on record, being satisfied with the compliance of the mandatory procedure, imposed the aforesaid punishment and therefore, the contentions of the petitioner deserved to be rejected. The learned Additional Public Prosecutor also submitted that the petitioner has a previous record of one case against him in Crime No.131/2023 on the file of the Nallur Police Station, for the offences u/s.392 and 354[B] of IPC and since the allegations against the petitioner are serious in nature and the prosecution has proved the case beyond reasonable doubt, the petition deserved to be dismissed.

8.Heard both sides and perused the materials placed on record.

9.The Hon'ble Supreme Court in the case of ***Om Prakash Sahni Vs. Jaishankar Chaudhary and Another [2023 [6] SCC 123]***, held in paragraph No.33 as follows:-

"33. Bearing in mind the aforesaid principles of law, the endeavour on the part of the court, therefore, should be to see as to whether the case



presented by the prosecution and accepted by the trial court can be said to be a case in which, ultimately the convict stands for fair chances of acquittal. If the answer to the abovesaid question is to be in the affirmative, as a necessary corollary, we shall have to say that, if ultimately the convict appears to be entitled to have an acquittal at the hands of this Court, he should not be kept behind the bars for a pretty long time till the conclusion of the appeal, which usually takes very long for decision and disposal. However, while undertaking the exercise to ascertain whether the convict has fair chances of acquittal, what is to be looked into is something palpable. To put it in other words, something which is very apparent or gross on the face of the record, on the basis of which, the court can arrive at a prima facie satisfaction that the conviction may not be sustainable. The appellate court should not reappreciate the evidence at the stage of Section 389 CrPC and try to pick up a few lacunae or loopholes here or there in the case of the prosecution. Such would not be a correct approach."

10.The learned counsel for the petitioner was not able to demonstrate before this Court any palpable error in the judgment of the



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Trial Court. The all other issues raised by the learned counsel for the petitioner, are matters to be considered at the time of final hearing of the appeal. Further, the petitioner has criminal antecedents in the form of proceedings in Cr.No.131/2023 for serious offences u/s.392 and 354[B] of IPC. Therefore, this Court finds no compelling reason to grant the relief of suspension of sentence to the petitioner.

11.Hence, this Criminal Miscellaneous Petition is **dismissed**.

12.Post the main Criminal Appeal in the usual course.

30.01.2026

AP

Internet: Yes

TO

- 1.The The Inspector of Police,
Kurinjipadi Police Station
Cuddalore District.
- 2.The Additional District Judge / Presiding Officer
Special Court under Essential Commodities Act
Thanjavur.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

AP

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