



**CrIMP(MD)No.6474 of 2025**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 30.03.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**CrIMP(MD)No.6474 of 2025  
in  
CrIA(MD)No.444 of 2024**

**K.Muthuraja**

**...Petitioner**

**Vs**

**State represented through  
The Inspector of Police,  
Pattiveeranpatti PS,  
Dindigul District,  
[Crime No.422 of 2019]**

**... Respondent**

**PRAYER:** Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed by the I Additional Special Court for NDPS Act Cases, Madurai in CC.No.116 of 2022 dated 08.05.2024 and enlarge the petitioner on bail pending disposal of the criminal appeal No.444 of 2024.

**For Petitioner : Mr.S.Mahendrapathy,**

**For Respondent : Mr.T.Senthil Kumar,**

**Additional Public Prosecutor**



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## **ORDER**

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This petitioner is accused No.3 in C.C.No.116 of 2022 on the file of the I Additional Special Court for NDPS Act Cases Madurai. He was, tried and by judgment dated 08.05.2024, he was found guilty, convicted under Section 8(c) read with 20(b) (ii) (c), 25 and 29 (1) 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 12 months simple imprisonment. As against the conviction and sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in Crl.A(MD)No.444 of 2024 and the same has been admitted by this Court on 22.05.2024. 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 22kgs ganja on 13.03.2020 and transporting the same in two wheeler on Theni - Cumbum Road.

3.The learned counsel for the petitioner submits that the mandatory provisions under the NDPS Act have not been followed and no clinching



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material is available in order to prove the seizure of the contraband.

He further submits that all the witnesses are official witnesses, there is no corroboration in the evidence of the witnesses and no independent witness has been examined in order to prove the case of the prosecution.

He further submits that the petitioner is in jail from 08.05.2024 and during the trial he was in jail for 337 days. He also submits that accused no.1 has already been granted suspension of sentence by this court by order dated 21.03.2025 in CrlMP(MD)No.9863 of 2024

4.The learned Government Advocate appearing for the respondent strongly opposed this petition that this petitioner is having four other cases, of which two cases relating to NDPS Act, which are pending trial.

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 is in jail from the date of conviction on 08.05.2024



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and was already in jail for one year during the trial. Further Accused No. 2 has already been granted suspension of 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, accused No.1 has already been granted suspension of sentence, this Court is inclined to allow this petition, however with stringent conditions due to his bad antecedents.

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 the sureties must be government servants.

(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



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cases also for this appeal.

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(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.

30.03.2026

DSK

To

1.The Inspector of Police,  
Pattiveeranpatti PS,  
Dindigul District,

2. I Additional Special Court  
NDPS Act Cases, Madurai.

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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