



Crl.M.P.(MD)No.8441 of 2025

in Crl.A.(MD)No.721 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.8441 of 2025

in Crl.A.(MD)No.721 of 2025

Subburayalu

... Petitioner

versus

State of Tamil Nadu, rep. by
The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
Cr.No.260 of 2024

... Respondent

Petition filed under Section 430(1) of BNSS 2023, to suspend the sentence imposed by the learned Principal Special Judge for EC and NDPS Act Cases, Madurai, passed in C.C.No.255 of 2024 dated 19.05.2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.J.Jeyaaron Raja

For Respondent : Mr.T.Senthil Kumar,
Additional Public Prosecutor



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ORDER

The petitioner is the 1st accused in C.C.No.255 of 2024 on the file of the learned Principal Special Judge for EC and NDPS Act Cases, Madurai. He was tried along with another accused for the offence under Sections 8(c) r/w. 20(b)(ii)(B) and 25 of NDPS Act that they were found in possession of 3.150 kgs. of ganja. After the trial, the trial Court, by its Judgment dated 19.05.2025, found the accused persons guilty for the offence under Section 8(c) r/w. 20(b)(ii)(B) of the NDPS Act and convicted and sentenced them to undergo rigorous imprisonment for 3 years each and to pay a fine of Rs.15,000/- each, in default, to undergo simple imprisonment for a further period of six months each. Challenging the Judgment of conviction and sentence, the petitioner/A1 has filed an appeal before this Court in Crl.A.(MD)No.721 of 2025 and the same was admitted by this Court on 04.07.2025. Along with the appeal, the petitioner has filed this petition seeking to suspend the sentence imposed by the trial Court.



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2. The learned counsel appearing for the petitioner submits that the petitioner is aged about 70 years and he is in jail for more than 295 days. He further submits that the contraband was seized from the petitioner on 12.06.2024 and the raiding party reached the police station on the same day at around 17.00 hrs., however, the same was produced before the Judicial Magistrate only on 13.06.2024 at 10 hrs. Further, the Form 91 marked as Ex.P11 reveals that the contraband reached the concerned trial Court only on 19.06.2024. According to him, the mandatory provision under Section 57 of NDPS Act has not been complied with. Since the petitioner is having certain arguable points in this appeal, he seeks to suspend the sentence imposed by the trial Court. He further submits that the co-accused has been released on bail by suspending the sentence, by this Court on 05.06.2025 in Crl.M.P.(MD)No.6774 of 2025 in Crl.A.(MD)No.620 of 2025.

3. The learned Additional Public Prosecutor opposed this petition stating that the petitioner is the main accused and he along with A2 sold ganja to the students. Further, the alleged contraband has been transported in the petitioner's vehicle bearing Reg.No.TN58U 1460. Apart from this case, the petitioner has also indulged in the following cases of similar in nature.



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(i) C1-Thidder Nagar Police Station – Cr.No.633/2018 – u/s. 8(c) r/w.
20(b)(ii)(B) NDPS Act.

(ii) C1-Thidder Nagar Police Station – Cr.No.187/2017 – u/s. 8(c) r/w.
20(b)(ii)(B) NDPS Act.

(iii) C3-S.S.Colony Police Station – Cr.No.1148/2023 – u/s. 8(c) r/w.
20(b)(ii)(A) NDPS Act.

(iv) PEW – Madurai City – Cr.No.402/2024 – u/s. 8(c) r/w. 20(b)(ii)(A)
NDPS Act.

(v) NIB CID, Madurai – Cr.No.238/2017 – u/s. 8(c) r/w. 20(b)(ii)(A)
NDPS Act.

(vi) NIB CID, Madurai – Cr.No.44/2018 – u/s. 8(c) r/w. 20(b)(ii)(A)
NDPS Act.

(vii) NIB CID, Madurai – Cr.No.35/2020 – u/s. 8(c) r/w. 20(b)(ii)(A)
NDPS Act.

4. Considering the nature of offence and also considering the fact that apart from this case, the petitioner has also indulged in seven other cases of similar in nature, this Court is not inclined to suspend the sentence imposed against the petitioner.



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5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

24.03.2026

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To

1. The Inspector of Police,
Thilagar Thidal Police Station,
Madurai City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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