



CrIMP(MD)No.8746 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 15.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.8746 of 2025
in
CrIA(MD)No.23 of 2020**

Vilson Gabriel

...Petitioner

Vs

**The State represented by
The Deputy Superintendent of Police,
NIB-CID, Thoothukudi.
[Crime No.34 of 2018]**

... Respondent

PRAYER: Petition filed under Section 430(1) of Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence imposed on the petitioner / appellant/ accused No.1, namely Vilson Gabriel, S/o.Jeyapaul passed by the I Additional Special Court for NDPS Act Cases, Madurai in CC.No.57 of 20219, dated 19.11.2019.

For Petitioner : Mr.M.Jagadeesh Pandian

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.57 of 2015 on the file of the I Additional Special Court for NDPS Act Cases Madurai. He was, tried and by judgment dated 19.11.2019, he was found guilty, convicted for the offence under Sections 8(c) read with 20(b) (ii) (C) of NDPS Act and sentenced to undergo rigorous imprisonment for 12 years with a fine of Rs.1,00,000/-, and in default, to undergo 2 years 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.23 of 2020 and the same has been admitted by this Court on 18.06.2025. Along with the appeal, the petitioner has filed this petition to suspend the sentence.

2.The learned counsel for the petitioner submits that the contraband has been recovered from A2 in a building. The petitioner was not present at the time of recovery. Though PW4 deposed that the petitioner was under occupation of the said building for 10 years, not even a single document was produced to substantiate the same. This Court has already suspended the sentence imposed on A2. According to



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him, this petitioner is in jail for 7 years and 2 months, which is more than half of the sentence imposed on the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent has raised objections that the petitioner herein is the lessee of the building, from where, 466 kg of "charas", refined form of ganja has been recovered. This is the 3rd application and the earlier two applications were dismissed by this court. He further submits that the petitioner has involved in another similar offence.

4.This court has considered the rival submissions made.

5.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 has undergone more than half of the sentence imposed on him. Though the earlier applications were dismissed, the appeal could not be taken up for hearing. Considering the the period of incarceration already undergone, for the reason that the appeal could not



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be taken up immediately and co-accused has already been enlarged on bail, this Court is inclined to allow this petition.

6. 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.2,00,000/- (Rupees Two 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 he will be available during the appeal proceedings.

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

(iv) If the petitioner changes his residence, the same shall be informed to the respondent police immediately with correct address.



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(v)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.

15.04.2026

DSK

To

- 1.The Deputy Superintendent of Police,
NIB-CID, Thoothukudi.
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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