



*Crl.MP(MD)No.9915 of 2025 in  
Crl.A(MD) No.288 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.03.2026

CORAM:

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

Crl.M.P.(MD)No.9915 of 2025  
in Crl.A.(MD)No.288 of 2024

P.Manoharan

... Petitioner

Vs.

The State of Tamil Nadu,  
Rep by the Inspector of Police,  
Cumbum North Police Station,  
Theni District.

Crime No.350 of 2015

... Respondent

**Prayer:** Petition filed under Section 430 of BNSS to suspend the sentence imposed by the learned Judge, II Additional Special Court for EC and NDPS Act Cases, Madurai in C.C.No.211 of 2015, dated 25.09.2023 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

|                |   |                                                     |
|----------------|---|-----------------------------------------------------|
| For Petitioner | : | Mr.S.Maya Perumal                                   |
| For Respondent | : | Mr.T.Senthil Kumar,<br>Additional Public Prosecutor |

### **ORDER**

This Criminal Miscellaneous Petition is filed to suspend the sentence imposed by the learned Judge, II Additional Special Court for EC and NDPS Act Cases, Madurai in C.C.No.211 of 2015, dated 25.09.2023.

This is the second application filed for suspension of sentence. The earlier



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application filed by this petitioner in Crl.M.P.(MD)No.4122 of 2024 was dismissed by this Court by order dated 27.02.2025 and the order is extracted hereunder:-

*"The petitioner / accused in CC.No.211 of 2015 on the file of the II Additional Special Court for NDPS Act Cases, Madurai was found guilty, convicted and sentenced to undergo 12 years rigorous imprisonment with a fine of Rs1,00,000/-, in default, to undergo 12 months simple imprisonment for the offence under Sections 8 (c) r/w 20 (b) (ii)(C) of NDPS Act. As against the conviction, the petitioner has filed an appeal in CrlA(MD)No.288 of 2024 and it has been admitted. Along with the appeal, the petitioner has filed this petition to suspend the sentence.*

*2.When this petition has been taken up for hearing, the learned Counsel submits that he has returned the papers.*

*3.It is seen from records that the petitioner has not made any arrangements to prosecute this petition.*

*4.The learned Additional Public Prosecutor appearing for the respondent submits that apart from this case the petitioner has involved in 8 other similar cases. He is also facing two other cases under section 302 IPC. Therefore, he objects to suspend the sentence pending this appeal.*

*5.This petition has been filed on 02.04.2024. The petitioner has not taken any steps to prosecute this petition for the past 10 months. Therefore, keeping this petition would not*



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*serve any purpose. Further according the learned Additional Public Prosecutor, the petitioner has involved several other similar cases.*

*6.Considering the conduct of the petitioner in not prosecuting this petition and his antecedents, this Court is not inclined to entertain this petition. Accordingly this petition is dismissed. Since this petition to suspend the sentence is dismissed, the Registry is directed to prepare the typed set of papers in the appeal and list it for final disposal once the typed set is made ready."*

2. When this application is taken up for hearing, one Mr.S.Maya Perumal, learned counsel has filed a memo of appearance stating that he has entered appearance in this suspension application by filing change of vakalath in S.R.No.4670 of 2026. Change of vakalat is filed only today. The second suspension of sentence application was filed by the petitioner on 02.07.2025. However, the application has not been prosecuted for the past 8 months. Thereafter, when the application is listed today for hearing, a representation has been made as if the earlier counsel has returned the papers and new counsel has entered appearance.



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3. The learned Additional Public Prosecutor appearing for the respondent has circulated the list of cases pending as against this petitioner and the same are extracted hereunder:-

- i. *Crime No.575/2021 of Cumbum North Police Station*
- ii. *Crime No.271/2021 of Cumbum North Police Station*
- iii. *Crime No.155/2021 of Cumbum North Police Station*
- iv. *Crime No.261/2019 of Cumbum North Police Station*
- v. *Crime No.180/2018 of Cumbum North Police Station*
- vi. *Crime No.611/2017 of Cumbum North Police Station*
- vii. *Crime No.148/2017 of Cumbum North Police Station*
- viii. *Crime No.434/2016 of Cumbum North Police Station*
- ix. *Crime No.350/2015 of Cumbum North Police Station*
- x. *Crime No.316/2015 of Cumbum North Police Station*
- xi. *Crime No.314/2011 of Cumbum North Police Station*
- xii. *Crime No.268/2011 of Cumbum North Police Station*
- xiii. *Crime No.258/2011 of Cumbum North Police Station*
- xiv. *Crime No.226/2011 of Cumbum North Police Station*
- xv. *Crime No.265/2014 of Cumbum South Police Station*
- xvi. *Crime No.473/2021 of Cumbum South Police Station*



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*xvii.Crime No.651/2020 of Cumbum South Police Station*

*xviii.Crime No.76/2011 of Cumbum South Police Station*

*xix.Crime No.1772/2020 of Uthamapalayam Police Station*

4. Considering this attitude of this petitioner / appellant in changing the counsel whenever the application for suspension of sentence is taken up for hearing and not prosecuting the application for several months and considering the fact that the typed set of papers is already made ready and also in view of the antecedents against this petitioner, this Criminal Miscellaneous Petition is dismissed.

5. Registry is directed to list the appeal for final disposal in the second week of April 2026 under the caption 'accused in jail cases'.

**12.03.2026**

*mbi*



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To

1.The learned Judge,  
II Additional Special Court for EC and NDPS Act Cases,  
Madurai.

2.The Inspector of Police,  
Cumbum North Police Station,  
Theni District.

3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI, J.,**

*mbi*

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