



Crl.M.P.(MD)No.9213 of 2025

in Crl.A.(MD)No.363 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.03.2026**

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.9213 of 2025

in Crl.A.(MD)No.363 of 2024

Chellakali

... Petitioner

versus

The State of Tamil Nadu, Rep. by
The Inspector of Police,
NIB CID, Theni,
Theni District.

... Respondent

Petition filed under Section 430 of BNSS 2023, seeking to suspend the sentence imposed by the II Additional Special Court for EC and NDPS Act cases, Madurai, in C.C.No.250 of 2020 dated 14.02.2024 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.P.Thanga Prithvi Rajan

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



WEB COPY



Crl.M.P.(MD)No.9213 of 2025

in Crl.A.(MD)No.363 of 2024

ORDER

The petitioner is the 6th accused in C.C.No.250 of 2020 on the file of the II Additional Special Court for EC and NDPS Act Cases, Madurai. He was tried along with nine other accused for the offence under Sections 8(c) r/w. 20(b)(ii)(C), 25, 29(1) of NDPS Act and 269 IPC that he along with other accused transported 180 kgs of ganja in a Pick-up Van bearing Reg.No.TN63E 1414. After the trial, the trial Court, by its Judgment dated 14.02.2024, found the petitioner guilty, convicted and sentenced him to undergo 12 years rigorous imprisonment and to pay a fine of Rs.1,00,000/-, in default, to undergo one year simple imprisonment. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No.363 of 2024 and the same was admitted by this Court on 23.04.2024. Along with the appeal, the petitioner had earlier filed a petition in Crl.M.P.(MD)No.4654 of 2024, which was dismissed as withdrawn on 12.03.2025. Now, the petitioner has filed this petition seeking to suspend the sentence imposed by the trial Court.



Crl.M.P.(MD)No.9213 of 2025

in Crl.A.(MD)No.363 of 2024

WEB COPY

2. The learned counsel appearing for the petitioner submits that the petitioner was not present at the place of occurrence and no recovery was made from him, however, he has been implicated based on the confession statement of the co-accused, which is not supported by any independent evidence. He further submits that the prosecution case suffers from major procedural irregularities, including non-compliance of Section 52A of NDPS Act and failure to examine independent witnesses during search and seizure. Therefore, the petitioner is having certain arguable points in this appeal. Further, he is in jail from the date of conviction. Therefore, he seeks to suspend the sentence imposed by the trial Court.

3. The learned Government Advocate (Crl. Side) strongly opposed this petition that apart from this case, the petitioner is having ten previous cases to his credit and all the cases are relating to the offence under NDPS Act.

4. Though the petitioner has raised certain arguable points, considering the fact that the petitioner is having ten previous cases of similar nature, this Court is not inclined to suspend the sentence imposed on the petitioner.



Crl.M.P.(MD)No.9213 of 2025

in Crl.A.(MD)No.363 of 2024

WEB COPY

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

18.03.2026

ogy

To

1. The II Additional Special Court for EC and NDPS Act Cases,
Madurai.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
NIB CID, Theni,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.M.P.(MD)No.9213 of 2025

in Crl.A.(MD)No.363 of 2024

B.PUGALENDHI, J.

ogy

Crl.M.P.(MD)No.9213 of 2025

in Crl.A.(MD)No.363 of 2024

18.03.2026