



Crl.M.P.(MD)No.10647 of 2025

in Crl.A.(MD)No.854 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.10647 of 2025

in Crl.A.(MD)No.854 of 2025

S.Nagaraj

... Petitioner

versus

State of Tamil Nadu, rep. by
Inspector of Police,
Dindigul Taluk PS,
Dindigul District.

... Respondent

Petition filed under Section 430(1) of BNSS 2023, to suspend the sentence imposed by the I Additional Special Court for EC and NDPS Act Cases, Madurai, in C.C.No.152 of 2020 dated 21.04.2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.N.Manimaran

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



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ORDER

The petitioner is the 3rd accused in C.C.No.152 of 2025 on the file of the I Additional Special Court for EC & NDPS Act cases, Madurai. He was tried along with seven others for the offence under Sections 8(c) r/w. 20(b)(ii)(C) and 29(1) and 25 of NDPS Act that they were found in possession of 213 kgs. of ganja. After the trial, the trial Court, by its Judgment dated 21.04.2025, acquitted the accused Nos.6 to 8 of the charges, however, found the accused Nos.1 to 5 guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C) and 29(1) of the NDPS Act and convicted and sentenced them to undergo rigorous imprisonment for 12 years each and to pay a fine of Rs.1,00,000/- each, in default, to undergo simple imprisonment for a further period of two years each. Challenging the Judgment of conviction and sentence, the petitioner/A3 has filed an appeal before this Court in Crl.A.(MD)No.854 of 2025 and the same was admitted by this Court on 12.08.2025. 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 alleged ganja was recovered by the police on the date of occurrence, i.e. on 06.12.2019, however, the same was sent to the Court on 10.12.2019, i.e. with a delay of four days. But, there was no proper explanation given by the prosecution for the said delay. He further submits that the alleged samples were not taken in the presence of the Magistrate and therefore, Section 52-A of the NDPS Act has not been complied with by the prosecution. Further, no independent witnesses were examined by the prosecution near to the occurrence place and no sketch and observation mahazar was prepared by the prosecution. Therefore, the petitioner is having certain arguable points in this appeal. Since he is in jail for nearly 535 days, he seeks to suspend the sentence imposed by the trial Court.

3. The learned Additional Public Prosecutor opposed this petition stating that apart from this case, the petitioner has also indulged in the following cases of similar in nature.

(i) Dindigul Taluk Police Station – Crime No.727/2019 – u/s. 8(c) r/w. 20(b)(ii)(C), 25, 29(1) – NDPS Act – Conviction.

(ii) Neyveli Thermal Police Station – Crime No.289/2021 – u/s. 8(c) r/w.



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20(b)(ii)(B)-NDPS Act – Disposed.

(iii) Dindigul Kannivadi Police Station – Crime No.628/2021 – u/s. 8(c)
r/w. 20(b)(ii)(C), 25, 29(1) – NDPS Act – Disposed.

(iv) Dindigul Reddiyachatram Police Station – Crime No.203/2018 – u/s.
8(c) r/w. 20(b)(ii)(B) of NDPS Act – PT

(v) Pudukkottai Ganesapuram Police Station – Crime No.855/2021 – u/s.
20(b)(ii)(C), 25, 8(c) of NDPS Act – PT.

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

5. Accordingly, this Criminal Miscellaneous Petition is dismissed.

24.03.2026

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To

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

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



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B.PUGALENDHI, J.

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