



*Crl.MP(MD) No.10775 of 2025 in
Crl.A(MD)No.863 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.10775 of 2025
in Crl.A.(MD)No.863 of 2025

Prasanthraj

... Petitioner

Vs.

State,
Rep by Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
Crime No.111 of 2017

... Respondent

Prayer: Petition filed under Section 430(2) of BNSS to suspend the sentence of imprisonment imposed by the learned Additional District Judge, I Additional Special Court for NDPS Act Cases, Madurai (FAC) in C.C.No.157 of 2021 by the Judgment dated 07.06.2023 and enlarge the petitioner / appellant on bail, pending disposal of the above appeal.

For Petitioner : No appearance

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor



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ORDER

The petitioner is A2 in Crime No.111 of 2017 on the file of the respondent Police. He was arrested along with three others that they were in possession of 38 kg of ganja on 11.03.2017.

2. The case of the prosecution is that on 11.03.2017 when the Sub Inspector of Police was on routine vehicle check up, he stopped two vehicles, out of which, one was driven by A1 and other one was driven by the petitioner / A2. A1 dashed the car against the Sub Inspector of Police and fled away from the scene of occurrence. 19 kg of ganja was recovered from the car driven by A1. The Police stopped the car of this petitioner and recovered 19 kg of ganja. A case was registered, prosecuted and A1 was tried for the offences under Sections 8(c) r/w 20(b)(ii)(C), 27(A) of NDPS Act and 307 IPC and A2 to A5 were tried for the offences under Sections 8(c) r/w 20(b)(ii)(C) and 27(A) of NDPS Act before the learned Additional District Judge, I Additional Special Court for NDPS Act cases, Madurai (FAC) in C.C.No.157 of 2021. Pending trial, A1 absconded, and therefore, the case as against him was split up in C.C.No.302 of 2017. Again, A3 and A5 absconded, and therefore, the case as against them was split up in



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C.C.No.171 of 2023. The petitioner / A2 and the fourth accused were tried in C.C.No.157 of 2021, were found guilty by the trial Court and were convicted and sentenced as under:-

Sl. No	Sections	Punishment	Fine amount	Default
1	8(c) r/w 20(b)(ii)(C) of NDPS Act	10 years Rigorous imprisonment	Rs.1,00,000/-	1 year simple imprisonment

As against the conviction and sentence imposed by the trial Court in C.C.No.157 of 2021, dated 07.06.2023, the petitioner has filed a Criminal Appeal in Crl.A(MD)No.863 of 2025 and this application to suspend the sentence imposed on him by the trial Court. However, when the appeal was taken up for admission on 13.08.2025, there was no representation for the petitioner / appellant. Subsequently, since there was no representation in this application also, this Court, vide order dated 18.03.2026, directed the Registry to list this application under the caption 'for dismissal'. Accordingly, this application is listed today. Even today, there is no representation for the petitioner.



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3. The learned Additional Public Prosecutor appearing for the respondent Police submits that this petitioner is a resident of Kerala. He further submit that the case split up as against A1 in C.C.No.302 of 2017 ended in acquittal.

4. Considering the nature of offence committed by this petitioner and that this petitioner is a resident of Kerala and that co-accused / A3 and A5 are yet to be apprehended, this Criminal Miscellaneous Application is dismissed with a direction to the respondent Police to secure the absconding A3 and A5 in C.C.No.171 of 2025 before the trial Court and ensure that the case pending before the trial Court comes to a conclusion.

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To

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1.The learned Additional District Judge,
I Additional Special Court for NDPS Act cases,
(FAC), Madurai.

2.The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.

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



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B.PUGALENDHI, J.,

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