



Crl.M.P.(MD)No.10279 of 2025

in Crl.A.(MD)No.324 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.10279 of 2025

in Crl.A.(MD)No.324 of 2024

P.Swathi

... 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.K.Mani Maran

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



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ORDER

The petitioner is the 4th accused in C.C.No.250 of 2020 on the file of the II Additional Special Court for EC and NDPS Act Cases, Madurai. She was arrested on 19.05.2020 that she along with other accused transported 180 kgs of ganja in a Pick-up Van bearing Reg.No.TN63E 1414. She 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. After the trial, the trial Court, by its Judgment dated 14.02.2024, found the petitioner guilty, convicted and sentenced her 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.324 of 2024 and the same was admitted by this Court on 18.04.2024. Along with the appeal, the petitioner had earlier filed a petition in Crl.M.P.(MD)No.10148 of 2024, which was dismissed as withdrawn on 12.03.2025.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.



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2. The learned counsel appearing for the petitioner submits that P.W.1 received a secret information, recorded the same and also appointed one Kannan to send the information to the DSP Office. But, the said Kannan was not examined before the trial Court to prove the information sent to the superior officer. Therefore, according to him, the prosecution agency has not complied with Section 42(2) of NDPS Act. He further submits that the alleged occurrence is said to have taken place during the covid-19 pandemic period and no confession statement was recorded from the accused person. Further, the contraband was not produced before the Court at the time of remand and it was produced only on 28.05.2020. Therefore, there was a delay of 9 days in producing the contraband and there was no proper explanation on the side of the prosecution for the said delay. He further submits that the petitioner is not having any bad antecedent to her credit. Since the petitioner is in jail for the past two years and ten months, he seeks to suspend the sentenced imposed on the petitioner by the trial Court.

3. The learned Government Advocate (Crl. Side) submits that the petitioner/A4 was found along with other accused in the vehicle bearing Reg.No.TN63E 1414, from which, the contraband was recovered by the



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respondent Police. As per the prosecution case, the petitioner only has funded other accused for procuring the ganja. However, the learned Government Advocate (Crl. Side) fairly submits that there is no bad antecedent as against the petitioner.

4. This Court considered the rival submissions made.

5. The petitioner was arrested and remanded to judicial custody on 19.05.2020 that she was present in the vehicle bearing Reg.No.TN63E 1414 along with 180 kgs. of ganja and the recovery was made from the 1st accused. The petitioner claims that the occurrence had taken place during the Covid pandemic period, ie. on 19.05.2020 and the contraband was produced belatedly after a period of nine days. Further, the other grounds raised by the petitioner can be appreciated only during the final disposal of the appeal. However, the appeal could not be taken up for final disposal for want of time. The petitioner is in jail for nearly two years and ten months.

6. Considering the points raised by the petitioner, the period of incarceration and also considering the fact that the appeal could not be taken up



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for final disposal for want of time, this Court is inclined to allow this petition.

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is ordered to be enlarged on bail on the following conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of II Additional Special Court for EC and NDPS Act Cases, Madurai.

(ii) the persons who are giving sureties should be Government Servants and the sureties shall file an affidavit before the respondent Police, by ensuring that the petitioner will not indulge in any other offence in future and she will be available till the disposal of the appeal proceedings.

(iii) The petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

18.03.2026

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To

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

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B.PUGALENDHI, J.

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2. The Superintendent,
Women 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.

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