



CRL MP(MD). No.10800 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 05/01/2026

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THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.10800 of 2025

in

CRL A(MD)No.867 of 2025

Anbu Kadavul

... Petitioner

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Dindigul Town West Police Station,
Dindigul District.
In Crime No.512/2018.

... Respondent

PRAYER:- To suspend the substantive sentence of imprisonment rendered on 11.07.2025 passed in C.C No.473 of 2022 by the Learned District and Sessions Judge for Communal Clash Cases, Madurai, pending disposal of appeal and thus render justice.

For Petitioner : Mr.N.Antha Padmanabhan
For M/s.APN Law Associates

For Respondent : Mr.B.Nambi Selvan
Additional Public Prosecutor



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ORDER

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This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed by the Learned District and Sessions Judge for Communal Clash Cases, Madurai, in C.C No.473 of 2022, dated 11.07.2025, and enlarge the petitioner on bail pending the disposal of the appeal.

2.The case of the prosecution is that on 12.10.2018 at about 08.30 a.m., the Accused Nos.1 and 2, without permission or license were found to be in possession of 1.250 kgs of ganja.

3.The Trial Court after full fledged trial convicted the petitioner for offence under Section 8(c) r/w Section 20b(ii)(B) of the NDPS Act, and sentenced to undergo 10 years Rigorous imprisonment along with fine of Rs.75,000/-, in default to undergo 3 years Simple Imprisonment.

4.The learned counsel for the petitioner submitted that the entire contraband of 1.250 kgs was recovered from A1 and nothing was recovered from the petitioner. Therefore, it is clear that the petitioner was



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not in possession of any contraband. The learned counsel further submitted that there is absolutely no material to connect the petitioner to the alleged offence. The learned counsel further submitted that there were various procedural lapses and therefore, the entire case of the prosecution cannot be believed. The learned counsel submitted that there is absolutely no evidence to show that the petitioner was arrested along with A1 or that he was in possession of any contraband. Therefore, the order of sentence is illegal particularly in the absence of any corroborative evidence. The learned counsel further submitted that the petitioner remained at large throughout the trial and co-operated with the prosecution without any let or hindrance. The learned counsel further submitted that the petitioner's daughter's marriage, which had been fixed, was cancelled due to the petitioner's incarceration. The learned counsel submitted that the petitioner has no intention to flee from justice and he is ready to abide by any condition that may be imposed by this Court.

5.The presence of M/s.S.Vinodha, the Inspector of Police, Town West Police Station, Dindigul is recorded.



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6.The respondent filed a detailed counter narrating the entire facts of the prosecution case. The respondent in the counter further submitted that the Trial Court after careful consideration of the oral and documentary evidence convicted the petitioner for offence under Section 8(c) r/w Section 20b(ii)(B) of the NDPS Act and awarded sentence to the petitioner. None of the grounds raised by the petitioner were sustainable in the eye of law. Therefore, the respondent prayed for dismissal of the application.

7.The learned Additional Public Prosecutor, submitted that the petitioner has a long history of previous cases and referring to Paragraph No.13 of the counter, submitted that 16 cases had been registered against the petitioner and hence, the application deserved to be dismissed.

8.Heard both sides and perused the materials available on record.

9.From the reading of the judgment of the Trial Court, it is seen that there is absolutely no material evidence connecting the petitioner to the alleged offence. It is the case of the prosecution that on the



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information received by P.W.2, both P.W.1 and P.W.2 went to the scene of occurrence and on seeing them, the petitioner fled from the spot with some articles. The entire contraband of 1.250 kgs was recovered only from A1. The discussion and findings of the Trial Court *prima facie* establish that there is absolutely no evidence connecting the petitioner to the crime. One important aspect which was over looked by the Trial Court is that the informant, the only person, who allegedly identified the petitioner in the scene of occurrence was not examined by the prosecution. Under the circumstances of the case, this Court is of the view that the petitioner has made out a *prima facie* case for suspension of sentence.

10. Accordingly, this Court is inclined to suspend the sentence. This petition is allowed and the relief of suspension of sentence is granted to the petitioner to enlarge him on bail until disposal of the above appeal, on the following conditions:-

(i) The petitioner shall be enlarged on bail provided the petitioner pays the fine amount of Rs.75,000/- within a period of two weeks from today.



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(ii) After the fine amount is received, the petitioner shall be enlarged an execution of a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned District and Sessions Judge for Communal Clash Cases, Madurai.

(iii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iv) The petitioner shall appear before the Learned District and Sessions Judge for Communal Clash Cases, Madurai, in C.C No.473 of 2022 twice in a month i.e., on the first and 15th working day of every English calendar month at 10.30 a.m., until further orders and if he is not able to appear before the trial Court on any day, he shall make arrangements to file an application under Section 317 of Cr.P.C (355 of BNSS) and shall appear before the trial Court on any other day in lieu of the date of his absence, as directed by the trial Court.

05.01.2026

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To
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- 1.The Inspector of Police,
Dindigul Town West Police Station,
Dindigul District.
- 2.The learned District and Sessions Judge for
Communal Clash Cases, Madurai.
- 3.The Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

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