



CRL MP(MD). No.12021/2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 11.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.12021/2025
in
CRL A(MD)No.952/2025

Pandiyarajan

... Petitioner

Vs

The State of Tamilnadu Rep by
The Inspector of Police,
Dindigul Town West Police Station
Dindigul District.
[Cr.No.512/2018].

... Respondent

PRAYER :- To suspend the execution of the sentence dated 11.07.2025 passed in CC.No.473/2022 by the District and Sessions Court for Communal Clash Cases at Madurai, pending disposal of the above Criminal Appeal and thus render justice.

For Petitioner : Mr.S.Ramanathan

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



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ORDER

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This Criminal Miscellaneous Petition is filed to suspend the sentence imposed on the petitioner in CC.No.470/2022 dated 11.07.2025, by the learned District and Sessions Judge for Communal Clash Cases, Madurai, pending disposal of the criminal appeal.

2.The case of the prosecution in brief is that, on 12.10.2018, on information received from a known source, the Sub Inspector of Police, attached to the respondent Police Station, after following all the formalities, went to Govindhapuram graveyard, Dindigul. There, in a bathroom situated in the Eastern side, the police party found two men packing some materials into a plastic bag and on seeing the police party, both of them attempted to escape. However, the petitioner/A1, was apprehended by the respondent Police. On permission being accorded, the white bag was searched and was found ganja weighing 1.250 Kilograms. Therefore, a case in Crime No.512/2018 was registered against the petitioner u/s. 8[c] read with 20[b][ii][B] of NDPS Act, 1985. The case was taken up on file in CC.473/2022 by the learned District and Sessions Judge, Special Court for Communal Clash Cases at Madurai.



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3.Before the Trial Court, on the side of the prosecution, 3 witnesses were examined as PW1 to PW3 and 7 documents were filed as Exs.P1 to P7. Three material objects were marked as MO1 to MO3. On the side of the accused, neither witness was examined nor document was marked.

4.On completion of trial, the Trial Court, by its judgment dated 11.07.2025, convicted and sentenced the petitioner for the offence u/s. 8[c] r/w.20[b][ii][b] of NDPS Act, and sentenced him to undergo rigorous imprisonment for ten years with fine amount of Rs.75,000/-, and in default to undergo simple imprisonment for a period of three years.

5.Aggrieved by the aforesaid conviction and sentence, the petitioner has preferred the above appeal along with the petition to suspend the sentence.

6.The respondent filed a detailed counter denying all the contentions raised in the petitioner's affidavit. The respondent stated that the allegations stated against the petitioner are serious in nature and the prosecution proved its case beyond reasonable doubt. The respondent further stated that the petitioner was present in the scene of occurrence and caught red-handed with the contraband weighing 1.250 Kgs. The



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respondent further stated that the crime committed by the petitioner was heinous in nature and if the petitioner was enlarged on bail, there was every possibility of re-occurrence. The respondent stated the petitioner has 3 previous cases of similar nature against him. The respondent therefore prayed for dismissal of the application.

7. Heard both sides and perused the materials on record.

8. The Trial Court found that the evidence revealed that the contraband was in the possession of the petitioner and that he had voluntarily surrendered the same to PW1 in the presence of PW2.

9. The Hon'ble Supreme Court in the case of ***Om Prakash Sahni Vs. Jaishankar Chaudhary and Another [2023 [6] SCC 123]***, held in paragraph No.33 as follows:-

"33. Bearing in mind the aforesaid principles of law, the endeavour on the part of the court, therefore, should be to see as to whether the case presented by the prosecution and accepted by the trial court can be said to be a case in which, ultimately the convict stands for fair chances of acquittal. If the answer to the abovesaid question is to be in the affirmative, as a necessary corollary, we shall have to say that, if ultimately the convict appears to be entitled to have an acquittal at the hands of this Court, he should not be kept behind the bars for a pretty long time till the conclusion of the appeal, which usually takes very long for decision and disposal. However, while undertaking the



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exercise to ascertain whether the convict has fair chances of acquittal, what is to be looked into is something palpable. To put it in other words, something which is very apparent or gross on the face of the record, on the basis of which, the court can arrive at a prima facie satisfaction that the conviction may not be sustainable. The appellate court should not reappreciate the evidence at the stage of Section 389 CrPC and try to pick up a few lacunae or loopholes here or there in the case of the prosecution. Such would not be a correct approach."

10.The learned counsel for the petitioner was not able to demonstrate before this Court any palpable error in the judgment of the Trial Court. All other issues raised by the learned counsel for the petitioner, are matters to be considered at the time of final hearing of the appeal. Further, the petitioner has criminal antecedents in the form of three previous cases. Therefore, this Court finds no compelling reason to grant the relief of suspension of sentence to the petitioner.

11.Hence, this Criminal Miscellaneous Petition is **dismissed**.

12.Post the main Criminal Appeal in the usual course.

11.02.2026

sn/AP
Internet: Yes



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TO

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



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N.MALA,J

sn/AP

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