



Crl.M.P.(MD)No.13260 of 2025

in Crl.A.(MD)No.327 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.03.2026**

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.13260 of 2025

in Crl.A.(MD)No.327 of 2025

Uthayavan

... Petitioner

versus

The Sate of Tamil Nadu,
Rep. by the Inspector of Police,
NIB CID Police Station,
Theni.

... Respondent

Petition filed under Section 430 of BNSS 2023, to suspend the conviction and sentence passed by the Principal Special Court for EC and NDPS Act Cases, Madurai, in C.C.No.328 of 2022 dated 28.01.2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.M.Jegadeesh Pandian

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



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ORDER

The petitioner is the 2nd accused in C.C.No.328 of 2022 on the file of the Principal Special Court for EC & NDPS Act Cases, Madurai. He was tried along with other accused for the offence under Section 8(c) r/w. 20(b)(ii)(C), 29(1) of NDPS Act that they were found in possession of each 25 kgs. of ganja. After the trial, the trial Court, by its Judgment dated 28.01.2025, found the petitioner guilty for the offence under Section 8(c) r/w. 20(b)(ii)(C) of the NDPS Act and convicted and sentenced him to undergo rigorous imprisonment for 10 years and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for six months. Challenging the Judgment of conviction and sentence, the petitioner has filed an appeal before this Court in Crl.A.(MD)No. 327 of 2025 and the same was admitted by this Court on 17.03.2025. Along with the appeal, the petitioner had earlier filed a petition in Crl.M.P.(MD)No. 3457 of 2025. However, the petitioner has not pressed the earlier petition. Accordingly, the petition in Crl.M.P.(MD)No.3457 of 2025 was dismissed as withdrawn on 17.04.2025. Now, this petition has been filed that the petitioner is in jail for more than four years and two months, i.e. from the date of arrest.



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2. The learned counsel appearing for the petitioner has taken a specific plea that the petitioner is suffering with serious ailment and therefore, he needs proper treatment.

3. Considering the averment made by the petitioner that he is suffering with serious ailment and he needs proper treatment, this Court directed the learned Additional Public Prosecutor to ascertain the same and report before this Court.

4. The learned Additional Public Prosecutor, by referring to the report of the Assistant Civil Surgeon, Prison Hospital, Central Prison, Madurai, dated 23.03.2026, submits that the petitioner has been diagnosed with serious illness and he has been referred to the Government Rajaji Hospital, Madurai and he has been provided with sufficient medication.

5. This Court considered the rival submissions made.



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6. The petitioner is the 2nd accused in C.C.No.328 of 2022 and he was found guilty, convicted and sentenced as stated supra, by Judgment dated 28.01.2025. Challenging the same, the petitioner has filed the criminal appeal and the same was admitted by this Court on 17.03.2025. However, the appeal could not be taken up for final hearing for want of time. The petitioner is in jail for more than four years and two months. Now, the petitioner is suffering with serious ailments, which needs to be treated properly. Therefore, this Court is inclined to suspend the sentence.

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.50,000/- (Rupees fifty thousand only) with two sureties each for a like sum to the satisfaction of the learned Additional District Judge, Principal Special Court for EC and NDPS Act Cases, Madurai.

(ii) The petitioner shall appear before the outpost police station at Government Rajaji Hospital once in a week of every Monday at 10.30 am., until further orders.



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(iii) The petitioner shall appear before the trial Court once in a month, i.e. on the first working day of every English Calender month at 10.30 a.m., till the disposal of the appeal.

23.03.2026

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To

1. The Principal Special Court for EC and NDPS Act Cases,
Madurai.
2. The Superintendent,
Central Prison, Madurai.
3. The Inspector of Police,
NIB CID Police Station,
Theni.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

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