



*CrI.M.P.(MD)Nos.13721 & 13722 of 2025 in
CrI.A.(MD)Nos.1052 & 1053 of 2025*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :**25.03.2026**

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.M.P.(MD)Nos.13721 & 13722 of 2025
in CrI.A.(MD)Nos.1052 & 1053 of 2025

1.Ochammal ...Petitioner in CrI.M.P.(MD)No.13721 of 2025
2.Karthick ...Petitioner in CrI.M.P.(MD)No.13722 of 2025

Vs.

The State of Tamilnadu,
Rep by its
The Inspector of Police,
Mandabam Police Station,
Ramanathapuram District.
(Crime No.49 of 2013

... Respondents in both cases

Common Prayer: Petitions filed under Section 430(1) of BNSS to suspend the Sentence imposed on Petitioners/Appellants/Accused Nos.3 and 4 by the Additional District and Sessions Court for EC and NDPS Act Cases, Pudukkottai in C.C.No.1 of 2014 dated 06.08.2025 and enlarge the petitioners on bail pending disposal of the Criminal Appeals.

In both cases,

For petitioners : M.Jegadeesh Pandian

For Respondent : Mr.S.Prakash
Government Advocate



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ORDER

The petitioners / accused nos.3 and 4 in C.C.No.1 of 2014, on the file of the learned Special Sessions Judge, Additional District and Sessions Court for EC and NDPS Act Cases, Pudukkottai, were tried along with three other accused that they were in possession of 8 kg ganja each, 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) NDPS Act	10 years Rigorous imprisonment	Rs. 1,20,000/-	6 months simple imprisonment

As against the conviction and sentence imposed by the trial Court in C.C.No.1 of 2014, dated 06.08.2025, the petitioners have filed Criminal Appeals in Crl.A(MD)Nos.1052 & 1053 of 2025 respectively. The petitioners have also moved these applications to suspend the sentence imposed on them by the trial Court.

2. The case of the prosecution is that on 28.05.2013, at about 08.30 am, five accused i.e., 3 male and 2 female, have carried gunny bags as head load and on seeing the police, one person fled away by dropping



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the gunny bag. The respondent Police has recovered all the gunny bags and found 40 kg of ganja in those bags and the accused 1 to 5 carried 8 kg ganja each. Hence, the case.

3. The learned counsel appearing for the petitioners submits that though it is alleged that ganja was recovered from the petitioner in CrI.M.P. (MD)No.13721 of 2025 / A3, signatures of A3 is not found in athatchi. Hence, the recovery was from A1 alone. The secret information alleged to have been received by the respondent Police has not been recorded in writing and therefore, it is a violation as per the dictum laid down by the Apex Court in *Karnail Singh vs. State of Haryana reported in 2009 (8) SCC 539*. He also points out that Crime Number is reflected in the athatchi, which has been prepared in the place of occurrence, prior to the registration of FIR. The petitioner in CrI.M.P.(MD)No.13722 of 2025 / A4 is shown as an absconding accused and hence, there is no recovery from him. He further submits that there is no bad antecedents as against the petitioners and they are in jail from 06.08.2025 onwards, based on the athatchi of recovery made from A1.



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4. The learned Government Advocate appearing for the respondent raised serious objection that the petitioners along with other accused have carried gunny bags and on seeing the Police, the petitioner in Crl.M.P.(MD)No.13722 of 2025 / A4 fled away from the place of occurrence and other accused have been arrested and the Police recovered 40 kg of ganja. Each person has taken 8 kg of ganja in separate gunny bags. He further submits that the investigation reveals that the 6th accused is the owner of the contraband and he engaged these petitioners and other accused to carry the contraband as a head load.

5. This Court considered the rival submissions made and also perused the materials placed on record.

6. Even according to the prosecution, the petitioners and other accused have been engaged as a coolie to transport the ganja as a head load by A6. A6 died during trial. The athatchi of recovery produced by the learned counsel for the petitioners shows that the signature of the petitioner in Crl.M.P.(MD)No.13721 of 2025 / A3 is not found. Admittedly, the petitioner in Crl.M.P.(MD)No.13722 of 2025 / A4 was not arrested from



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the place of occurrence and the case of the prosecution is that he has absconded.

7. Considering the materials as against the petitioners and that they are in jail for nearly eight months and that they are not having any bad antecedents, this Court is inclined to suspend the sentence imposed on the petitioners.

8. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeals and the petitioners are ordered to be enlarged on bail on the following conditions:-

- i. The petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Special Sessions Judge, Additional District and Sessions Court for EC and NDPS Act Cases, Pudukkottai.
- ii. The petitioners shall report before the Inspector of Police, Mandabam Police Station, Ramanathapuram District, daily at 10.30 a.m., till the disposal of the appeals.



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- iii. The petitioners and the sureties shall file an affidavit of undertaking before the respondent Police that the petitioners will not involve in any offence in future and they will ensure the availability of the petitioners during the appeals.
- iv. In the event, if the petitioners have violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to them.

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25.03.2026



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To

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1.The learned Special Sessions Judge,
Additional District and Sessions Court
for EC and NDPS Act Cases,
Pudukkottai.

2.The Inspector of Police,
Mandabam Police Station,
Ramanathapuram District.

3.The Superintendent,
Central Prison,
Madurai.

4.The Superintendent,
Special Prison for Women,
Madurai.

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



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B.PUGALENDHI, J.,

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