



*Crl.MP(MD)No.15205 of 2025 in
Crl.A(MD)No.178 of 2024*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.15205 of 2025
in Crl.A.(MD)No.178 of 2024

1. Muralidharan

2. Vijayan @ Paulvijayan

... Petitioners

Vs.

The State Of Tamilnadu
Rep By The Inspector Of Police,
Odaipatti Police Station
Theni District.

... Respondent

Prayer: Petition filed under Section 430(1) of BNSS to Suspend the sentence and conviction in Judgment dated 30.06.2023 in C.C.No.743 of 2022, on the file of the District and Sessions Judge, Communal Clash Cases Court, Madurai and enlarge the petitioners on bail.

For Petitioners:

Mr.P.Thanga Prithvi Rajan

For Respondent:

Mr.T.Senthilkumar,
Additional Public Prosecutor



*Crl.MP(MD)No.15205 of 2025 in
Crl.A(MD)No.178 of 2024*

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ORDER

The petitioners, A2 and A3 in C.C.No.743 of 2022, on the file of the learned District and Sessions Judge, District and Sessions Court for Communal Clash Cases, Madurai, were tried for the offence under the NDPS Act, that they were in possession of 62 kg of ganja, were found guilty by the trial Court and were convicted and sentenced as under:-

Sl.No	Accused	Sections	Punishment	Fine amount	Default
1	A2	8(c) r/w 20(b) (ii)(C) of NDPS Act	10 years RI	Rs. 1,00,000/-	6 months SI
2	A3	8(c) r/w 20(b) (ii)(C) of NDPS Act	10 years RI	Rs. 1,00,000/-	6 months SI

As against the conviction and sentence imposed by the trial Court in C.C.No.743 of 2022, dated 30.06.2023, the petitioners have filed a Criminal Appeal in Crl.A(MD)No.178 of 2024 and the same was admitted by this Court on 04.03.2024. Along with the appeal, these petitioners have filed an application for grant of suspension of sentence in Crl.M.P. (MD)No.2680 of 2024. However, the petitioners have not prosecuted the



*CrI.MP(MD)No.15205 of 2025 in
CrI.A(MD)No.178 of 2024*

same for several hearings and therefore, this Court, vide order dated 02.04.2025, closed the earlier application. Thereafter, this application is filed to suspend the sentence imposed on the petitioners by the trial Court.

2. The case of the prosecution is that on 19.03.2022, A1 was found to be illegally transporting 22 kg of ganja in white gunny bag in pulsar bike bearing Registration No.TN 60 X 5755 and A2 and A3 were found in possession of 31 kg of ganja in Bajaj discover bike bearing Registration No.TN 60 AW 1546 and 31 kg of ganja was stored inside the house of A4. Hence the case.

3. The learned counsel appearing for the petitioners submits that the earlier counsel was held up in some other Court on the date when the earlier application was taken up for hearing and the earlier application was not dismissed on merits. According to him, these petitioners have been implicated in this case based on the confession statement of A1. Even according to the prosecution, this contraband of 62 kg belong to A4. However, A4 was acquitted by the trial Court. The learned counsel further submits that the petitioners were convicted for a period of 10 years and



*CrI.MP(MD)No.15205 of 2025 in
CrI.A(MD)No.178 of 2024*

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they are in jail for nearly four years and therefore, they have already completed nearly half of the sentence imposed by the trial Court.

4. The learned Additional Public Prosecutor appearing for the respondent submits that A1 was arrested on 19.03.2022 and 22 kg of ganja was recovered from him. Based on his confession statement, the police went to the house of A4, wherein, they recovered 62 kg of ganja from A2 and A3.

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

6. There are recoveries from these petitioners and the recovery is pursuant to the confession statement of A1. The contraband has been recovered from these petitioners, when the police went to search the house of A4. However, A4 has been acquitted by the trial Court. The petitioners are in jail for nearly four years and have already undergone nearly half of the sentence.



*Crl.MP(MD)No.15205 of 2025 in
Crl.A(MD)No.178 of 2024*

WEB COPY

7. The petitioners have raised certain arguable points, which can be considered only during the final hearing of the appeal. However the appeal could not be taken up for final hearing for want of time. Considering the points raised by the petitioners, period of incarceration and for the reasons that the appeal could not be taken up immediately, 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 appeal 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.1,00,000/- (Rupees One Lakh only) each with two sureties each for a like sum to the satisfaction of the learned District and Sessions Judge, District and Sessions Court for Communal Clash Cases, Madurai, out of which, one must be a Government Surety.
- ii. The petitioners shall report before the respondent police daily at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioners and the sureties shall file an affidavit of undertaking before the respondent police that the petitioners will



*CrI.MP(MD)No.15205 of 2025 in
CrI.A(MD)No.178 of 2024*

not involve in any offence in future and that the petitioners will not misuse the liberty granted by this Court.

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.

07.04.2026

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To

1.The learned District and Sessions Judge,
District and Sessions Court for Communal Clash Cases,
Madurai.

2.The Inspector Of Police,
Odaipatti Police Station
Theni District.

3.The Superintendent,
Central Prison,
Madurai.

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



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*Crl.MP(MD)No.15205 of 2025 in
Crl.A(MD)No.178 of 2024*

B.PUGALENDHI, J.,

mbi

Crl.MP(MD) No.15205 of 2025
in
Crl.A(MD) No.178 of 2024

07.04.2026