



*Crl.MP(MD) No.15390 of 2025 in
Crl.A(MD) No.1143 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :07.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.M.P.(MD)No.15390 of 2025
in Crl.A.(MD)No.1143 of 2025

N.Rajenthiran

... Petitioner

Vs.

State of Tamil Nadu,
Rep by Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
Crime No.49 of 2013

... Respondent

Prayer: Petition filed under Section 430(2) of BNSS to suspend the sentence imposed by the learned Additional District and Sessions Judge for EC & NDPS Act Cases, Pudukottai in C.C.No.1 of 2014, dated 06.08.2025 and enlarge the petitioner on bail, pending disposal of the Criminal Appeal.

For Petitioner : Mr.N.Mani Maran

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor



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ORDER

The petitioner, A2 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, was tried along with four other accused that they were in possession of 8 kg ganja each, was 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 petitioner has filed a Criminal Appeal in Crl.A(MD)No.1143 of 2025 and the same was admitted by this Court on 27.10.2025. The petitioner has also moved this application to suspend the sentence imposed on him 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 the gunny bag. The respondent Police has recovered all the gunny bags and



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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 petitioner submits that though it is alleged that ganja was recovered from this petitioner and other accused, none of their signature is not found in athatchi. 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. He further submits that the sentence of the co-accused A3 and A4 was suspended by this Court on 25.03.2026 in Crl.M.P.(MD)Nos.13721 & 13722 of 2025 in Crl.A.(MD)Nos.1052 & 1053 of 2025.

4. The learned Additional Public Prosecutor appearing for the respondent submits that huge quantity of ganja to the extent of 40 kg has been recovered from this petitioner and other accused. Apart from this



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case, the petitioner has two other cases, one registered by Q Branch and another by local police. According to him, in the case registered by Q Branch, the petitioner has already undergone the sentence imposed by the trial Court. He fairly submits that the co-accused have been granted suspension of sentence by this Court.

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

6. The petitioner has 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 petitioner, his 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 petitioner, however with stringent conditions

7. Accordingly, the substantive sentence of imprisonment alone is suspended pending disposal of the criminal appeal and the petitioner is



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ordered to be enlarged on bail on the following conditions:-

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- i. The petitioner shall execute a bond for a sum of Rs.2,00,000/- (Rupees Two Lakhs only) 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, out of which, one must be a Government Surety.
- ii. The petitioner shall report before the respondent Police, daily at 10.30 a.m., till the disposal of the appeal.
- iii. The petitioner and the sureties shall file an affidavit of undertaking before the respondent police ensuring the availability of the petitioner in the appeal; the petitioner will not involve in any offence in future; and the petitioner will not misuse the liberty granted by this Court.
- iv. In the event, if the petitioner has violated any of the above conditions, it is open to the respondent police to file an application to cancel the bail granted to him.

07.04.2026

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



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B.PUGALENDHI, J.,

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