



CrIMP(MD)No.17743 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 03.03.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.17743 of 2025
in
CrIA(MD)No.1249 of 2025**

M.Suthakar

...Petitioner

Vs

**The State of Tamil Nadu Represented by,
the Inspector of Police,
Cumbam North PS.,
Theni District.**

[Crime No.270 of 20219]

... Respondents

PRAYER: Petition filed under Section 430(2) of BNSS, to suspend the sentence imposed on the petitioner in C.C.No.104 of 2020 of the I Special Court for EC and NDPS Act Cases, Madurai and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : No representation

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor



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ORDER

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The petitioner is accused No.1 in CC.No.104 of 2020 on the file of the I Additional Special Judge for EC and NDPS Act Cases, Madurai. He was tried along with other accused for the offence under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of NDPS Act. By judgment dated 13.02.2024 they have been found guilty, convicted for the offence under Sections 8(c) r/w 20(b)(ii)(B) and 29(1) of the NDPS Act and the petitioner has been sentenced to undergo 3 year rigorous imprisonment with a fine of Rs.30,000/- in default to undergo 6 months simple imprisonment. As against the conviction and sentence imposed by the trial Court, this petitioner has filed an appeal before this Court in CrI.A(MD) No.1249 of 2025 and the same has been admitted by this Court. The petitioner has also moved this petition to suspend the sentence.

2.When this petition is taken up for hearing, there is no representation for the petitioner.



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3.The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner has been imposed with 3 years of rigorous imprisonment and he is in jail from 13.02.2025 for more than one year. He is also involved in another case of the year 2019.

4.This court considered the submissions of the learned Additional Public Prosecutor and perused the material placed on record.

5.The petitioner has raised certain arguable points in this petition, 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 period of sentence imposed, the period of incarceration so far undergone and for the reason that the appeal could not be taken up immediately, this Court is inclined to allow this petition.

6.Accordingly this petition is allowed and the substantive sentence of imprisonment imposed on the petitioner alone is



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suspended pending disposal of the criminal appeal on the following conditions:

(i) The petitioner is ordered to be enlarged on bail on executing a bond for Rs.50,000/- (Rupees Fifty Thousand) with two sureties each for a like sum, to the satisfaction of the I Additional Special Judge for NDPS Act Cases, Madurai and the sureties must be respectable persons in the locality.

(ii) The petitioner and the sureties shall file an affidavit before the respondent police that the petitioner will not misuse this liberty and will not indulge in any further offence.

(iii) The petitioner shall report before the respondent police daily at 10.30 am.

(iv) If the petitioner violates any of the conditions, the respondent police shall move an application to cancel the order of suspension of sentence of imprisonment.

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Index : Yes / No
DSK



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To
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- 1.The Inspector of Police,
Cumbam North PS.,
Theni District.
- 2.Additional District Judge,
I Special Court for EC and NDPS Act Cases,
Madurai.
- 3.The Superintendent,
Central Prison, Puzhal,
Chennai.

Copy to

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



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B.PUGALENDHI.J.,

DSK

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