



CrIMP(MD)No.18604 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.18604 of 2025
in
CrIA(MD)No.1280 of 2025

Kali @ Kalimuthu

...Petitioner

Vs

The State of Tamil Nadu Represented by,
the Inspector of Police,
Dindigul NIB-CID,
Dindigul District
[Crime No.92 of 2006]

... Respondents

PRAYER: Petition filed under Section 430(1) of BNSS, to suspend the sentence imposed by the District and Sessions Court for Communal Clash Cases, Madurai passed in CC.No.313 of 2008, dated 14.08.2025 and enlarge the petitioner on bail pending disposal of the criminal appeal.

For Petitioner : Mr.Jeyaaron Raja

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor



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ORDER

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The petitioner is sole accused in CC.No.303 of 2008 on the file of the District and Sessions Court for Communal Clashes Cases, Madurai. He was tried for the offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act and by judgment dated 14.08.2025 he has been found guilty, convicted for the offence under Sections 8(c) r/w 20(b)(ii)(B) of NDPS Act and sentenced to undergo 10 year rigorous imprisonment with a fine of Rs.1,00,000/- in default to undergo three years 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.1280 of 2025 and the same has been admitted by this Court. The petitioner has also moved this petition to suspend the sentence.

2.The learned counsel for the petitioner submits that the mandatory requirements as per Section 57 of the NDPS Act have not been complied with and the report under this section was produced



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with an inordinate delay of 738 days from the date of recovery of the contraband. The petitioner has been in jail from 16.08.2025. Therefore, he prays that the sentence be suspended pending this criminal appeal.

3.The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner has been imposed with 10 years of rigorous imprisonment and he is in jail from 16.08.2025. He has is not having any previous case.

4.This court considered the submissions made 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, the quantity



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of the contraband involved in this case 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 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 District and Sessions Court for Communal Clash Cases, Madurai.

(ii) The petitioner shall file an affidavit before the respondent police that he 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.



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(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.

03.03.2026

Index : Yes / No
DSK

To

- 1.The Inspector of Police,
Dindigul NIB-CID,
Dindigul District
- 2.The District and Sessions Court
for Communal Clash Cases,
Madurai.
- 3.The Superintendent,
Central Prison,
Madurai.

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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