



CrIMP(MD)No.19071 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.04.2026

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**CrIMP(MD)No.19071 of 2025
in
CrIA(MD)No.1304 of 2025**

Vasagamoorthy

...Petitioner

Vs

**The State represented by,
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
[Crime No.571 of 2018]**

... Respondent

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 in CC.No.322 of 2019, dated 22.08.2025 pending disposal of the main criminal appeal.

For Petitioner : Mr.Pounraj

For Respondent : Mr.T.Senthil Kumar,

Additional Public Prosecutor



CrIMP(MD)No.19071 of 2025

ORDER

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The petitioner is accused No.1 in CC.No.322 of 2019 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) and 27(A) of the NDPS Act and by judgment dated 22.08.2025, he has been found guilty, convicted for the offence under 8(c) r/w 20(b)(ii)(B) and 27(A) of the 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.1304 of 2025 and the same has been admitted by this Court on 03.12.2025. The petitioner has also moved this petition to suspend the sentence.

2.The case of the prosecution is that the petitioner along with accused No.2 were found with possession of 8kgs ganja in an auto bearing registration No.TN 60 X 3115 on 11.10.2018 near Kombukaran Puliur Forest Check Post.



CrIMP(MD)No.19071 of 2025

3.The learned counsel for the petitioner submits the prosecution has produced Ex.P9, form 91 alone without producing the contraband and it was returned and it was produced with a delay of 20 days. The rough sketch has not been prepared to prove the observations of the investigating officer. Further provisions under Section 42(2) of the NDPS Act have not been followed. He further submits that it is an intermediate quantity. He is in jail from 22.08.2025. He is not having any other case.

4.The learned Additional Public Prosecutor appearing for the respondent submits that the petitioner and other accused have been arrested with 8kgs of ganja. This petitioner is not having any previous case.

5.This court considered the submissions made and perused the material placed on record.

6.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



CrIMP(MD)No.19071 of 2025

time. Considering the period of incarceration , the quantity 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.

7. 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.1,00,000/- (Rupees One Lakh) 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 and the sureties shall file an affidavit before the respondent police that he will not misuse this liberty and will not indulge in any further offence and he will be available for the appeal proceedings.

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



CrIMP(MD)No.19071 of 2025

(iv) If there is any change in the residence address of the petitioner, the same shall be informed to the respondent police immediately.

(v) 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.

08.04.2026

Index : Yes / No
DSK

To

- 1.The Inspector of Police,
Kadamalaikundu Police Station,
Theni 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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CrIMP(MD)No.19071 of 2025

B.PUGALENDHI.J.,

DSK

CrIMP(MD)No.19071 of 2025
in
CrIA(MD)No.1304 of 2025

08.04.2026