

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ASHOK MENON

TUESDAY, THE 12TH DAY OF MAY 2020 / 22ND VAISAKHA, 1942

CRL.APPEAL.NO.1503 OF 2019

(S.C. NO. 150 OF 2018 ON THE FILES OF THE COURT OF THE SPECIAL  
JUDGE (NDPS ACT CASES), VATAKARA, DATED 23-09-2019)

APPELLANT/ACCUSED.NO.2

DHANEESH PAVITHRAN,  
AGED 31 YEARS,  
S/O. PAVITHRAN,  
KUPPASSERY HOUSE,  
VALARA P.O,  
IRUMPUPALAM, IDUKKI DISTRICT.

BY ADVS.R.ANIL  
SRI.M.SUNILKUMAR  
SRI.SUJESH MENON V.B.  
SRI.T.ANIL KUMAR  
SRI.THOMAS ABRAHAM  
SRI.MAHESH BHANU S.  
SMT.S.LAKSHMI SANKAR

RESPONDENT:COMPLAINANT.

STATE OF KERALA, REPRESENTED BY THE  
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.  
ERNAKULAM, KOCHI-682031.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI.

THIS CRIMINAL APPEAL HAVING COME UP ON 12.05.2020, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**ASHOK MENON, J.**

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**CrI.Appeal No.1503 of 2019**  
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**Dated this the 12<sup>th</sup> day of May, 2020**

**J U D G M E N T**

The appellant was found guilty of committing the offence punishable under section 20(b)(ii) of the NDPS Act and sentenced to undergo rigorous imprisonment for fifteen years and to pay a fine of Rs.one lakh, with a default sentence of one year rigorous imprisonment. He is in appeal challenging the conviction and sentence. The appellant seeks suspension of the sentence mainly on the ground that his mother is suffering from Retrocalcaneal Bursitis and has to undergo surgery. Medical records to that effect has been produced, which shows that she has been advised to undergo surgery at the earliest. The appellant submits that he is only son and that he has to attend the surgery and therefore seeks suspension of sentence.

2. The learned Public Prosecutor has very serious objection for the reason that the appellant is involved in transporting of huge quantity of Ganja and sentenced to undergo fifteen years rigorous imprisonment also. However, there are no other antecedents against the appellant.

3. Considering the fact that the appellant's mother has to undergo surgery, for that purpose alone his sentence is suspended and he is granted interim bail on execution of bond for Rs.one lakh, with two solvent sureties each for the like amount to the satisfaction of the trial court and on deposit of Rs.25,000/- (Rupees twenty five thousand only) towards the fine amount, for a period of two months from the date of his release, during which period he can attend his mother's surgery. On the expiry of the above period; he shall report immediately for undergoing the remaining sentence.

**ASHOK MENON  
JUDGE**

*dkr*