



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.M.P.No.7176 of 2022

in Crl.A.No.546 of 2022

S.Balasubramanian

... Petitioner/A5

Vs.

The State of Tamil Nadu
represented by the Inspector of Police,
CBI, EOW,
Chennai.

... Respondent/
Investigating Officer

PRAYER: This Criminal Miscellaneous Petition has been filed under Section 389 (1) r/w 439 of Cr.P.C, to suspend the sentence of imprisonment imposed by the learned II Additional District Judge (CBI Cases), Coimbatore, by an order dated 12.05.2022 in C.C.No.13 of 2010 and to enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.S.V.Pravin Rathinam

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor, for CBI

ORDER

This petition has been filed to suspend the sentence of imprisonment imposed on the petitioner in C.C.No.13 of 2010, by the learned II Additional District Judge CBI Cases, Coimbatore, dated 12.05.2022 and to enlarge the petitioner on bail, pending disposal of the above criminal appeal.

2.The petitioner, who was arrayed as fifth accused in C.C.No. 13 of 2010, before the Court of the learned II Additional District Judge (CBI Cases), Coimbatore, was convicted and sentenced as follows:



(i).The petitioner/A5 was convicted for the offences under Section 120-B r/w 409, 419, 420, 467 and 468 r/w 471 of IPC and Section 13(2) r/w. 13(1)(c) & (d) of the Prevention of Corruption Act, 1988 and for substantive offences punishable under Sections 420 & 409 of IPC and Section 13(2) r/w.13(1)(c) & (d) of the Prevention of Corruption Act, 1988.

(ii).The petitioner was sentenced to undergo Rigorous Imprisonment for a period of three years and to pay a fine of Rs.50,000/- in default to undergo Simple Imprisonment for a period of six months for the offences under Section 120-B r/w 409, 419, 420, 467 and 468 r/w 471 of IPC and Section 13(2) r/w. 13(1)(c) & (d) of the Prevention of Corruption Act, 1988 and for substantive offences punishable under Sections 420 & 409 of IPC and Section 13(2) r/w.13(1)(c) & (d) of the Prevention of Corruption Act, 1988.

(iii).Total fine imposed against A5 is Rs.2,00,000/- (Rs.50,000 x 4 = Rs.2,00,000/-). Aggrieved over the same, the petitioner/fifth accused has preferred this appeal.

3.The case of the prosecution is that pursuant to a criminal conspiracy in the year 2008-2009, A1 to A5 have cheated the Indian Bank, Veerapandi Branch, by producing forged and fabricated documents and by availing loan amount of Rs.2.09 Crores and thereby, not repaying the same. A5/the petitioner herein, by abusing his official power as the Branch Manager of the said Bank, had helped the other accused in availing the loan. Hence, the complaint.

4.The learned counsel for the petitioner/A5 would submit that there are arguable points available in the appeal and that the petitioner herein have got a fair chance of succeeding the appeal and would pray that the substantive sentence imposed against the petitioner may be suspended. He would also submit that the fine amount has been paid.

5.The learned Special Public Prosecutor for CBI, has raised objections for suspending the sentence.

6.Considering the facts and circumstances of the case, submissions of the learned counsels and also considering the fact that it is a case of economical offence and there are arguable points in appeal, this Court is inclined to suspend substantive sentences of imprisonment alone on certain conditions.

7.Accordingly, till the disposal of the Criminal Appeal, the substantive sentences of imprisonment alone is suspended and the petitioner/A5 is ordered to be enlarged on bail, on the following conditions:-



i. The petitioner/A5 shall execute separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties, each for a like sum to the satisfaction of the Court of learned II Additional District Judge (CBI Cases), Coimbatore.

ii. The petitioner/fifth accused shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the credit of CC.No.13/2010, on the file of the Court of the learned II Additional District Judge (CBI Cases), Coimbatore, within a period of six weeks from the date of receipt of a copy of this order.

iii. The petitioner/A5 shall report before the said Court on the first working day of every English Calendar month at 10.30 a.m., until further orders.

-sd/-

13/06/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE II ADDITIONAL DISTRICT JUDGE
(CBI CASES), COIMBATORE.

2 THE INSPECTOR OF POLICE,
CBI-EOW, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 C.C. to M/S.S.V.PRAVIN RATHINAM Advocate on payment of necessary charges SR.NO.8970

Order

in

CRL MP.7176/2022

in

CRL A.546/2022

Date :13/06/2022

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JPA 14/06/2022