



CRL MP(MD) No.10332 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Thirty First day of July Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice K.K.RAMAKRISHNAN

CRL MP(MD) No.10332 of 2023

IN

CRL A(MD)No.570 of 2023

C.ARUMUGAM

... PETITIONER/ APPELLANT

Vs

THE DEPUTY SUPERINTENDENT OF POLICE,
CBI, SCB,
CHENNAI.

(CRIME NO.RC9(S)/2010/CBI/SCB/CHN) ... RESPONDENT/RESPONDENT

Criminal Miscellaneous Petition filed praying that in the circumstances stated therein and in the petition filed therewith the High Court may be pleased to Suspend the Sentence imposed on the Appellant by the Learned II-Additional District and Sessions Judge, (CBI Case), Madurai dt.12.6.2023 in CC.No.7 of 2012 and enlarge the Petitioner on bail pending disposal of the above Appeal.

PRAYER IN CRL.A(MD).570/2023:

Pleased to call for the records relating to the Judgement passed in C.C.No.7/2012 dated 12.06.2023 on the file of the learned II Additional District and Sessions Judge, (CBI Cases) Madurai and to set-aside the same.

Order : This petition coming up for orders on this day, upon perusing the petition filed in support thereof and upon hearing the arguments of M/S.VIJAYARAGAVAN V.K., Advocate for the petitioner and of Mr.N.MOHIDEEN BASH, Special Public



CRL MP(MD) No.10332 of 2023

Prosecutor on behalf of the Respondent, the court made the following order:-

WEB COPY

This Criminal Miscellaneous Petition has been filed to suspend the sentence passed in C.C.No.7 of 2012, dated 12.06.2023, on the file of the II Additional District and Sessions Judge, (CBI Case), Madurai, and enlarge the petitioner on bail till the disposal of this Criminal Appeal.

2. The case of the prosecution is that the petitioner applied for housing loan of Rs.10 lakhs by furnishing false and inflated details of assets, income etc., before the Syndicate Bank, Dindigul Main Branch, Dindigul District. Knowing the said fact, A6, A8 and A11 processed the loan proposal of the petitioner by using their official position as a public servant and sanctioned Rs.5,30,000/- and also disbursed Rs.4,50,000/-. The said amount was withdrawn by the petitioner. But, he has not utilised the same for constructing the house and also failed to pay EMI. During the course of revaluation made by the Bank, it was found that the vacant plot is worth about only Rs.1 lakh. Thereby, the petitioner caused loss of Rs.5,62,555/- to the the Syndicate Bank, Dindigul Main Branch, Dindigul District.

3. On the basis of the complaint given by the defacto complainant, FIR came to be registered in Crime No.RC9(S)/2010/CBI/SCB/Chn).

4. The respondent police, after completing the investigation, has laid a final report before the II Additional District and Sessions Judge, (CBI Case), Madurai, for



CRL MP(MD) No.10332 of 2023

the offences under Sections 120(B) r/w 420 IPC Section 8 & 13(2) r/w 13(1)(d) of PC Act, 1988, Section 420 IPC and Section 8 of P.C.Act, 1988 against the petitioner and the same was taken on file in C.C.No.7 of 2012.

5. During the trial, the prosecution has examined 27 witnesses as P.W.1 to P.W.27 and exhibited 76 documents as Ex.P.1 to Ex.P.76. On the side of the defence, D.W.1 and D.W.2 were examined and Ex.D.1 to Ex.D.9 were marked.

6. The learned trial Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, convicted and sentenced the petitioner by the impugned judgment dated 12.06.2023 for the following offences:-

Accused	Offences Punishable	Sentence Imposed
A8	i) U/s. 120(B) r/w. 420 IPC Section 8 & 13(2) r/w. 13(1)(d) of PC Act, 1988. ii) U/s. 420 IPC. iii) U/s. 8 of P.C.Act, 1988.	i) 3 years RI with fine of Rs.20,000/- i/d 6 months RI. ii) 3 years RI with fine of Rs.20,000/- i/d 6 months RI. iii) 3 years RI with fine of Rs.20,000/- i/d 6 months RI.

7. The learned counsel for the petitioner submitted that the original value is

correctly given by the valuer and a proper report has also submitted and based on



CRL MP(MD) No.10332 of 2023

which only, the loan was granted and there was no intention to suppress the fact.

WEB COPY

Only on re-valuation, the worth of the property was reduced. He further submitted that there are many legal infirmities in the conviction recorded by the Trial Court and they are required to be assessed in this appeal during the course of final hearing. So, there is prima facie case and hence, he seeks the suspension of sentence of imprisonment in favour of the appellant.

8. The learned Special Public Prosecutor appearing for the respondent would contend that the Trial Court has rightly convicted the petitioner on the basis of the evidence and the petitioner has no prima facie case in this appeal.

9. This Court considered the submission of both sides and perused the documents.

10. Considering the facts that the petitioner is in prison from 25.07.2023 onwards and he obtained loan only from the said bank and also similarly placed co-accused (namely borrower) granted suspension of sentence in the connected appeal and also considering the several infirmities in the prosecution case brought to the knowledge of this Court by the learned counsel for the petitioner and there are arguable points involved in the appeal and the appeal is not likely to be taken up for final hearing in the near future, this Court is of the view that the petitioner herein is entitled to the relief of suspension of sentence and accordingly this petition is allowed



CRL MP(MD) No.10332 of 2023

and the substantive sentence of imprisonment alone is suspended pending disposal of the appeal as against the petitioner with the following conditions:-

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees ten thousand only) with two sureties for the like sum each to the satisfaction of the learned II Additional District and Sessions Judge, (CBI Case), Madurai.

(ii) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the concerned officer may obtain a copy of their Aadhar or Bank Pass Book to ensure their identity.

(iii) The petitioner shall appear before the Court concerned on the first working day of every English Calender month at 10.30 a.m., until further orders.

sd/-
31/07/2023

/ TRUE COPY /

01/08/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL MP(MD) No.10332 of 2023

WEB COPY

DSS
TO

1 THE II ADDITIONAL DISTRICT AND
SESSIONS JUDGE (CBI CASES),
MADURAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
CBI, SCB,
CHENNAI.

3 THE SPECIAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. C.C. to M/S.VIJAYARAGAVAN V.K. Advocate SR.No.11544

ORDER
IN
CRL MP(MD) No.10332 of 2023
IN
CRL A(MD)No.570 of 2023
Date :31/07/2023

SA/SAR. /01.08.2023/6P/5C
Madurai Bench of Madras High Court is issuing certified
copies in this format from 17/07/2023