IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

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THE HONOURABLE **MR.JUSTICE M. NIRMAL KUMAR**

Crl.M.P.No.621 of 2025
in
Crl.A.No.63 of 2025

R.Ravishankar ...Petitioner

Vs

State Rep By,
Deputy Superintendent of Police, CBI, Eow,
Chennai. ...Respondent

PRAYER: Criminal Miscellaneous Petition has been filed under Section 430 of BNSS praying to suspend the sentence imposed and enlarge the petitioner on bail pending disposal of the above Criminal Appeal filed before this Court against the conviction and sentence made in C.C.No.30 of 2010 on 27.12.2024 for offences under Sections 419, 468, 471 read with 468 and 420 read with 34 IPC (4X4+16) to run concurrently along with a fine of Rs.5,000/- on each section (4X5000+_Rs.20,000/-) passed by the learned XI Additional Special Judge for CBI Cases, Singaravelar Maligai, George Town, Chennai.

For Petitioner : Mr.G.Saravanakumar

For Respondent : Mr.B.Mohan

Special Public Prosecutor for CBI Cases

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner by the judgment dated 27.12.2024 passed in C.C.No.30 of 2010 by the learned XI Additional Special Judge for CBI Cases, Singaravelar Maligai, George Town, Chennai, pending disposal of the above Criminal Appeal.

2. The petitioner/9th accused, who convicted by the trial Court in C.C.No.30 of 2010 by judgment dated 27.12.2024 and sentenced to undergo 4 years rigorous imprisonment on each sections 419, 468, 471 and 420 IPC read with 34 and Section 13(2) r/w 13(1)(c) & (d) of Prevention of Corruption Act, and with fine of Rs.5,000/- on each section, in total Rs.20,000/-, in default, to undergo one year simple imprisonment on each section. Aggrieved by the said conviction, the petitioner has filed Crl.A.No.63 of 2025 before this Court along with the instant miscellaneous petition seeking suspension of sentence and bail.

3. The contention of the petitioner is that he was employed under

A1 and he had only acted as per the instruction of A1 without benefiting from the transaction between A1 and the bank. The petitioner and also other employees, who were similarly placed, were cited as witnesses and some who were tried by the trial Court, along with this petitioner had been acquitted.

4. However, the only reason for the petitioner's conviction was the impersonation of the bank account at HDFC bank. Apparently, the petitioner opened the bank account in the name of Suresh, who was introduced by A1, Krishna Rao and the bank documents Ex.P164, contained the petitioner's photograph. This seems to be the piece of evidence leading to the conviction.

5. The contention of the petitioner is that he never appeared before the bank and did not open the bank account and his signature was forged. The prosecution though sent the original document Ex.P164 to the CFSL, Hyderabad, for examination, the report is yet to be received. For this reason, only a photocopy of the document was marked with objection. Thereafter, the trial proceeded.

6. During questioning under Section 313 Cr.P.C., the petitioner denied his signature. Subsequently, the petitioner has filed a petition under Section 91 Cr.P.C., for signature verification. Since the case was at the penultimate stage for pronouncing judgment, his plea was not entertained. However, this Court in Crl.R.C.No.2182 of 2024 vide order dated 06.12.2024 had directed the trial Court to give the petitioner one last chance. Nevertheless, this opportunity was not granted on the ground of impersonation.

7. The learned counsel appearing for the petitioner further submitted that the maximum sentence under Section 419 I.P.C., is only three years, but the trial Court convicted the petitioner for 4 years, which would only show that the trial Court in a preconceived notion, convicted the petitioner. He further submitted that in this case the co-accused similarly placed, A10 and A12 sentence suspended. In view of the same, he requested that same benefit be extended to the petitioner.

8. The learned Government Advocate (Crl.Side) appearing for the State opposed the grant of suspension of sentence and submitted that the case in Crime No.4 of 2009 was registered for the offences under Sections 120-B, r/w 420, 419, 467, 468, 471, 409, 201 IPC and Section 13(2) r/w 13(1)(c)(d) of Prevention of Corruption Act. There are totally 13 accused in this case.

9. During July 2009, a fraudulent claim an FDR for Rs.25 Crores deposited by the NCL in Central Bank of India at Mogappair branch, made by A1 and A2 along with A3 to A13, submitted a letter dated 23.07.2009 [Ex.P116] to transfer the deposit amount of Rs.25 Crores for higher interest. A1 submitted forged fax message dated 23.07.2009 and A2, Branch Manager of the Central Bank of India in coordinated with the NCL officials facilitated the transfer of the said FDR amount. The petitioner being one of the employee, assisted A1 in withdrawing and misappropriating the said amount. Thus, the conspiracy was executed collectively. He further submitted that the petitioner was not convicted for offence under the Prevention of Corruption Act. He also stated that A10 and A12 similarly placed were granted suspension of sentence.

10. Finding prima-facie case is made out and further taking note of the fact that there are arguable points involved in this appeal and it would take some time for the appeal to be taken up for final hearing, this Court is inclined to suspend the sentence imposed on the petitioner.

11. Accordingly, the substantive sentence of Imprisonment imposed on the petitioner is suspended till the disposal of the appeal and he is ordered to be enlarged on bail. Accordingly, the relief of suspension of sentence and bail is granted to the petitioner/appellant namely -R.Ravishankar, Son of Late M.Radhakrishnan on the following conditions:

(i) The petitioner/appellant is ordered to be released on bail on his executing a personal bond along with two sureties for a sum of Rs.15,000/- each before the learned XI Additional and Special Judge for CBI Cases relating to Banks and Financial Institutions at Chennai subject to furnishing undertaking that he will co-operate in the hearing of the present Appeal.

(ii) The petitioner/appellant and sureties shall affix their photographs and Left Thumb Impression in the bond and the abovesaid Court may obtain a copy of their Aadhaar card or Bank pass Book to ensure their identity; and;

(iii) The realization of fine, if any, shall also remain suspended during the pendency of the present Appeal.

12. Accordingly, this Criminal Miscellaneous Petition is ordered.

21.02.2025

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To

1.The Additional Special Judge for CBI Cases, Singaravelar Maligain, George Town, Chennai.

2.The Superintendent,

Central Prison, Puzhal, Chennai.

3.The Deputy Superintendent of Police,
CBI, Eow, Chennai.

4.The Special Public Prosecutor for CBI cases,

High Court of Madras, Chennai.

M. NIRMAL KUMAR, J.

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