



CRL MP NO. 8538 OF 2025
in CRL A No. 404 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

CORAM

THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL MP NO. 8538 OF 2025

in

CRL A No. 404 of 2025

E.Rajendran
S/o.N.Elumalai, Working as Manager,
Agency and Field Collections,
Standard Chartered Bank, Rajaji Salai,
Chennai. and residing at Flat No.B8,
4th Floor, Arulvel Apartment, No.30,
32, 34, Vellalar Street,
Kodambakkam, Chennai-600 024.

Petitioner/Accused

Vs

The State Rep by,
The Deputy Superintendent of Police,
CBI/SPE/ACB/Chennai.
RC 032 2021(A) 0026.

Respondent(s)



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PRAYER: Criminal Miscellaneous Petition filed under Section 415(2) of BNSS, praying to suspend the sentence imposed on the petitioner in C.C. No.9 of 2023 on the file of the Learned VIII Additional Special Judge for CBI Cases, Chennai dated 21.04.2025 and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For Petitioner(s): Mr.M.Aravindan

For Respondent(s): Mr.K.Srinivasan
Special Public Prosecutor (CBI)

ORDER

The petitioner/Accused in C.C.No.9 of 2023 was convicted by the trial Court by the judgment dated 21.04.2025 and sentenced to undergo four years simple imprisonment and to pay a fine of Rs.50,000/-, in default, to undergo six months simple imprisonment, for the offence under Sections 13(2) r/w 13 (1) (b) of Prevention of Corruption (Amendment) Act, 2018 (hereinafter 'P.C. Act'), against which, the petitioner preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.



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2.The contention of the learned counsel for petitioner is that the petitioner, Manager of Standard Chartered Bank, Rajaji Salai, Chennai has been charged that he was in possession of disproportionate asset to the tune of Rs.28,07,814/- for the check period from 01.04.2020 to 18.02.2021. The petitioner has been in the banking sector from the year, 2009. His wife is also employed in Federal Bank, George Town, Chennai. The asset of the petitioner and his wife clubbed together but the income of his wife was not considered. Likewise, the expenditure was recorded only against the petitioner and not equally divided with his working wife. He further submitted that the trial Court came to a finding that petitioner was holding a disproportionate asset to the tune of Rs.14,51,925/-.

3.The learned counsel further submitted that the prosecution had projected the case that Rs.18,00,000/-, in cash, seized from the residence of the petitioner and that the petitioner had amassed wealth misusing his office.



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In fact, during the check period, the petitioner had established that a sum of Rs.9,90,000/- has been withdrawn from the savings account of the petitioner and his wife and this amount was withdrawn only six months prior to the check period. Further, the petitioner had also examined DW1, who admitted that for purchase of car from the petitioner, a sum of Rs.2,00,000/-, by cash, has been given to the petitioner during the check period. DW2 is the father-in-law of the petitioner, who is a retired Gazetted officer of Land Survey Department. He presented to his daughter a substantial amount, which was not taken into consideration. These income of his wife were amount to Rs.18,00,000/-, which was projected as disproportionate assets. Despite the petitioner giving explanation, the same was not considered. Further the relevant bank witnesses confirmed there was withdrawal during the check period. He further submitted that in this case the expenditure has been shown only against the petitioner when the admitted position is petitioner's wife is also employed and salaried person. Admittedly, in this case the wife is not an



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accused and hence the petitioner's explanation and relying upon *Inbasekaran* case not considered by the trial Court. Hence, prayed for granting suspension of sentence to the petitioner.

4.The learned Special Public Prosecutor submitted that in this case during search of the petitioner's house, the amount of Rs.18,00,000/- found but no explanation has been given. The check period is only for a short period i.e., from 01.04.2020 to 18.02.2021 (11 months). The petitioner's explanation considered by the trial Court and disproportionate asset, which was earlier fixed as Rs.28,07,814/-, reduced to Rs.14,51,925/-. The petitioner's wife having income during check period and there was withdrawal might be true but end of the check period there was no amount available. The petitioner ought to have produced the amount to his wife or giving some logical explanation to accept the same. In this case, neither the petitioner nor his wife got into the box and given any explanation. He submitted that since his wife



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is neither an accused nor examined as witness, the trial Court on considering the explanation given by the petitioner had rightly rejected the same.

5.Considering the submissions made and on perusal of the material, it is seen that petitioner's wife admittedly employed in Federal bank, which is not disputed. There was explanation by cross examination of PW13/City Union Bank officer to show that there was withdrawal in the petitioner's wife's account and further there was also credits in the petitioner's account. DW1 confirms that he paid Rs.2,00,000/- in cash, for purchase of the car from the petitioner. DW2 is the father-in-law of the petitioner, who had also given some explanation. Admittedly, in this case petitioner's wife is not an accused, her explanation to be considered, which was not properly appreciated. Hence, the conviction of the petitioner needs re-consideration. Further, it is a statutory appeal and the appeal is not likely to be taken up in the near future, this Court is inclined to grant the relief of suspension of



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sentence to the petitioner.

6. 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, on condition that he shall execute a 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 trial Court.

7. Further, the petitioner shall appear before the Trial Court once in three months at 10.30 a.m. on the first working day of the month, until the disposal of the appeal and if he is not able to appear before the Trial Court on that day, he shall make arrangements to file an application under Section 317 Cr.P.C. and shall appear before the Trial Court on any other day in lieu of the date of his absence as directed by the Trial Court.



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8. Accordingly, this Criminal Miscellaneous Petition is ordered.

28.04.2025

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Note: Issue order copy on 29.04.2025.

To

1. The VIII Additional Special Judge for CBI Cases,
Chennai.
2. The Deputy Superintendent of Police,
CBI/SPE/ACB/Chennai.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.
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(2/2)