



Crl.M.P.No.18231 of 2025  
in Crl.A.No.1513 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

CORAM

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

Crl.M.P.No.18231 of 2025

in

Crl.A.No.1513 of 2025

P.Swaminathan

... Petitioner/A5

Vs.

The Superintendent of Police,  
CBI/B.S. & F.C./Bangalore.

... Respondent

**Prayer:** Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023 to suspend the sentence of imprisonment passed vide judgment dated 26.08.2025 in C.C.No.65 of 2000 on the file of learned XI Additional Special Judge for CBI Cases relating to Bank and Financial Institutions, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For petitioner : Mr.L.Prabahar

For Respondent : Mr.B.Mohan  
Special Public Prosecutor (CBI Cases)



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## **ORDER**

The petitioner/A5 in C.C.No.65 of 2000 was convicted by the trial Court by the judgment dated 26.08.2025 for the offences under Sections 120-B r/w 420, 468 and 471 of I.P.C. and Sections 13(2) r/w 13(1)(d) of Prevention of Corruption Act (hereinafter 'PC Act') and substantive offences under Sections 420 I.P.C. and Sections 13(2) r/w 13(1)(d) of PC Act and sentenced to undergo three years rigorous imprisonment on each section ( $3 \times 3 = 9$  years) along with fine of Rs.15,000/- on each sections (Total fine amount:  $3 \times 15000 = 45,000$ ), in default, to undergo six months simple imprisonment on each section ( $3 \times 6 = 18$  months). Aggrieved against the same, the petitioner preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

2.The brief facts of the case is that the then Chief Vigilance Officer, Central Bank of India, Mumbai lodged a complaint on 07.09.1996 against four persons, who are Manager and Accountant of the Central Bank



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of India, Nungambakkam Branch stating that A1 availed Over Draft and Term Loan facilities in the name of M/s.Sujatha Films and M/s.G.V.Films by submitting false and fabricated books of accounts as securities. The Bank Manager and Accountant allowed them to avail credit facilities beyond their sanction limit and excess to the securities offered and thereby facilitated the borrowers to indulge the kite flying operations and divert the loan proceeds for unconnected purpose which ultimately led to the financial loss of Rs.1054.68 lakhs and Rs.339.30 lakhs in the accounts of M/s.G.V.Films and M/s.Sujatha Films. Based on which, a case registered, investigated, charge sheet filed for offences under Sections 120-B r/w 420, 468 and 471 of I.P.C. and Sections 13(2) r/w 13(1)(d) of PC Act. The petitioner/A5 is the Branch Manager of Central Bank of India, Nungambakkam Branch.

3.The contention of the learned counsel for petitioner is that in this case the petitioner/A5 joined the Nungambakkam Branch on 27.07.1987 and was relieved on 19.05.1989. PW26 in his chief examination stated that



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Ex.P153 was authorised by me, but in his cross examination he admitted that the account was opened on 14.02.1987 by the previous Branch Manager. The petitioner as an individual not sanctioned any loan or violated the banking norms. He further submitted that the petitioner is aged about 76 years and suffering from Blood pressure and Neuro problem. He further submitted that this Court already suspended the sentence of the co-accused/A2 and A7 in Crl.M.P.Nos.17794 and 18070 of 2025 on 23.09.2025 and 25.09.2025, respectively. He further submitted that the petitioner already paid the fine amount and the sentence imposed on the petitioner has been suspended by the trial Court till 06.10.2025. Hence, he prayed for granting suspension of sentence to the petitioner.

4.The learned Special Public Prosecutor (CBI cases) on the other hand submitted that during trial, on the side of the prosecution PW1 to PW39 examined, Exs.P1 to P238 marked. On the side of the defence, the petitioner examined himself as DW1 and marked Exs.D1 to D13. The trial Court on the



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evidence and materials produced, had rightly convicted the petitioner. He further submitted that the trial Court suspended the sentence of the petitioner till 06.10.2025.

5.Considering the fact that there are substantial grounds raised in the above appeal, which requires consideration and the sentence imposed on the petitioner already suspended by the trial Court 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 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.



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7.Further, the petitioner shall appear before the Trial Court once in six 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.

8.Accordingly, this Criminal Miscellaneous Petition is ordered.

**26.09.2025**  
**(2/2)**

rsi

**Note: Issue order copy on 26.09.2025**



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- To
- 1.The XI Additional Special Judge for CBI Cases  
relating to Bank and Financial Institutions,  
Chennai.
  - 2.The Superintendent of Police,  
CBI/B.S. & F.C./Bangalore.
  - 3.The Public Prosecutor,  
High Court, Madras.



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**M. NIRMAL KUMAR, J.**

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**(2/2)**