



Crl.M.P.No.18139 of 2025
in Crl.A.No.1506 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.18139 of 2025

in

Crl.A.No.1506 of 2025

M.P.Balaji Prakasam

... Petitioner/A3

Vs.

The State by

The Inspector of Police,

CBI/EOW,

Chennai – 600 098.

(Crime No.RC.8E/2007/CBI/EOW/Chennai

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430(1) of BNSS, 2023 to suspend the sentence of imprisonment imposed on the petitioner by the judgment dated 28.08.2025 in C.C.No.66 of 2016 on the file of the learned Principal Sessions Judge, Chennai and enlarge the petitioner on bail pending disposal of the above Criminal Appeal.

For petitioner : Mr.A.Nagarajan

For Respondent : Mr.B.Mohan

Special Public Prosecutor (CBI Cases)



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ORDER

The petitioner/A3 in C.C.No.66 of 2016 was convicted by the trial Court by the judgment dated 28.08.2025 for the offences under Sections 120-B r/w 420 of I.P.C. and Section 420 of I.P.C. and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment, for the offence under Sections 120-B r/w 420 of I.P.C. and sentenced to undergo one year rigorous imprisonment and to pay a fine of Rs.10,000/-, in default, to undergo six months simple imprisonment, for the offence under Section 420 of I.P.C. Aggrieved against the same, the petitioner preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

2.The learned counsel for petitioner submitted that in this case A4-M/s.Galaxy Amaze Kingdom Ltd. is a business establishment run by his father Late. M.Palanichamy. What was the business transaction of



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Palanichamy with other entities, namely, M/s.Premier Machine Tools, M/s.K.K.Tools, M/s.Aspeejay Enterprises, the petitioner is not aware. The petitioner was a college student and it was his father, who was taking care of day-to-day business. After the demise of Palanichamy there can be no explanation to offer. Since the petitioner is the son of Palanichamy, he was arrayed as accused in this case. He further submitted that the petitioner was acquitted from the charges under Sections 467, 468 and 471 r/w 468 of I.P.C. When there is no creation of any forged document, using the same for cheating would not arise. On the other hand, the petitioner has been convicted for offence under Section 420 of I.P.C., which is a compoundable offence. The petitioner had elicited the same through appropriate witnesses referring to the enquiry report/Ex.P2. Further confirmed that as per the report there is no allegation as against the petitioner. The transaction and sale between M/s.Galaxy Amaze Kingdom and M/s.Gain-N-Nature were genuine, landed properties produced, the mortgage accepted by the Bank, raw materials,



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finished products, packing materials all available during inspection, which are of considerable value. The petitioner is the Proprietor of M/s.Gain-N-Nature. When such glaring evidence is in support of the petitioner available, but not considered by the trial Court. He further submitted that he examined DW1/bank official, who marked No Due Certificate, and one time settlement arrived. 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 27.09.2025. 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 PW33 examined, Exs.P1 to P409 marked. On the side of the defence, one C.Anandha Kumar examined as DW1 and marked Exs.D1 and D2. The trial Court on the evidence and materials produced, had rightly convicted the



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petitioner. He further submitted that the trial Court suspended the sentence of the petitioner till 27.09.2025.

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.

25.09.2025
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- To
- 1.The Principal Sessions Judge,
Chennai.
 - 2.The Inspector of Police,
CBI/EOW,
Chennai – 600 098.
 - 3.The Public Prosecutor,
High Court, Madras.



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M. NIRMAL KUMAR, J.

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