



Crl.M.P.No.18442 of 2025
in Crl.A.No.1526 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.M.P.No.18442 of 2025

in

Crl.A.No.1526 of 2025

P.G.Selvaraj

... Petitioner/A5

Vs.

The State by
The Inspector of Police,
CBI/EOW,
Chennai.

... Respondent

Prayer: Criminal Miscellaneous Petition filed under Section 430 of BNSS, 2023 to suspend the sentence petitioner/A5 imposed by the learned Principal Sessions Judge, Chennai in C.C.No.66 of 2016 dated 28.08.2025 and to enlarge the petitioner on bail, pending disposal of the above Criminal Appeal.

For petitioner : Mr.A.Laxmi Rajarathinam

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



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ORDER

The petitioner/A5 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. The sentences are directed to be run concurrently. Aggrieved against the same, the petitioner preferred the above appeal along with the instant miscellaneous petition seeking suspension of sentence and bail.

2. The gist of the case is that, in the year 2004, the petitioner/A5 along with other accused entered into a criminal conspiracy at Chennai and other places to cheat the United Bank of India by using forged and fake



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documents and through fictitious firms fraudulently and dishonestly availed credit facilities in the name of M/s.Gain-N-Nature Food Products to the tune of Rs.430 lakhs with United Bank of India, T.Nagar Branch, Chennai by submitting false invoices, delivery challans etc., purported to have been given by M/s.K.K.Tools, M/s.Srinivasa & Co. and M/s.ASPEEJAY Enterprises, for which, the petitioner was shown as Proprietor. These are all non-existing firms. The bank facility amount was deposited in the Firm's accounts and subsequently withdrawn by the petitioner in pursuance of the criminal conspiracy.

3.The learned counsel for petitioner submitted that there are totally six accused in this case. Originally the petitioner was arrayed as A6. Since A1/Palanichamy died, thereafter on re-arrangement, the petitioner was arrayed as A5. The petitioner is the supplier of machinery to A1. A1 purchased machinery from the petitioner. The petitioner supplies machinery



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covered with invoices and received the amount through the bank. Since A1 not paid back the bank and the machineries not found it was alleged that no machinery was supplied. In fact, the bank officials/PW2 and PW6 confirm the invoices and physical verification of the machineries. In this case, there are totally 33 witnesses, of which, 19 witnesses not spoken against the petitioner and other witnesses made only bald allegations. The trial Court not considered these facts and convicted the petitioner. 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. He further submitted that this Court already suspended the sentence of the co-accused/A3 by the order dated 25.09.2025 in Crl.M.P.No.18139 of 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



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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 petitioner.

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.

06.10.2025
(2/2)

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Note: Registry is directed to issue the order copy today (07.10.2025)



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



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M. NIRMAL KUMAR, J.

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