



Crl.MP.(MD).No.707 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.MP.(MD).No.707 of 2025

and

Crl.A(MD)No.56 of 2025

N.Mahalingam

... Petitioner

Vs.

The Inspector of Police,
SPE:CBI:ACB, Chennai,
RC MAI 2010 (A) 0035

... Respondent

PRAYER : Petition filed under Section 430(1) of BNSS, praying to suspend the sentence and grant bail to the petitioner/appellant/third accused against the judgment dated 20.12.2024 in C.C.No.3 of 2012 on the file of the learned II Additional District and Sessions Judge for CBI Cases, Madurai, in CNR No.2 of 2012 on the file of the respondent Police pending disposal of the criminal appeal.

For Petitioner	:	Mr.J.Selvin Rajesh for M/s.Dictum Law Firm
For Respondent	:	Mr.M.Karunanithi Special Public Prosecutor

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence and grant bail to the petitioner passed in C.C.No.3 of 2012, dated 20.12.2024, by the Learned II Additional District Court for CBI Cases, Madurai, pending disposal of this Criminal Appeal.

2.The case of the prosecution is that A1 during 2007 to 2009, while serving as the Chief Manager, Indian Overseas Bank, Palayamkottai Branch, entered into a



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conspiracy with the petitioner and other accused persons and caused wrongful loss of Rs.2,42,37,431/- to the bank including interest as on 31.08.2010, by abusing his official position. Hence, the respondent Police registered a case in RC MAI 2010 (A) 0035 for the offence under Sections 120-B r/w 420 of IPC, 120B r/w 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988, 420 of IPC and 13(2) r/w 13(1)(d) of the PC Act, 1988.

3.The respondent police, after completing the investigation, has laid a final report before the learned II Additional District Court for CBI Cases, Madurai, for the offences under Sections 120-B r/w 420 of IPC, 120B r/w 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988, 420 of IPC and 13(2) r/w 13(1)(d) of the PC Act, 1988, and the same was taken on file in C.C.No.3 of 2012.

4.During the trial, on the side of the prosecution, 59 witnesses were examined as P.W.1 to P.W.59 and 303 documents were marked as Ex.P.1 to Ex.P.303 and marked M.O.1 and M.O.2. On the side of the accused, 2 witnesses were examined as D.W.1 and D.W.2 and 12 documents were marked as Ex.D.1 to Ex.D.12.

5.The learned District Judge, upon considering the evidences adduced and on hearing the arguments on both the sides, has passed the impugned judgment dated 20.12.2024 convicting the petitioner/accused for the offence under Section 120B r/w 420 of IPC and sentenced him to undergo 3 years Rigorous Imprisonment and to pay



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a fine of Rs.20,000/- in default to undergo 6 months simple imprisonment and for the offence under Section 120-B r/w 13(2) r/w 13(1)(d) of the Prevention of Corruption Act, 1988, and sentenced to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.20,000/-, in default, to undergo 6 months Simple Imprisonment and for the offence under Section 420 of IPC and sentenced him to undergo 3 years Rigorous Imprisonment and to pay a fine of Rs.20,000/- in default to undergo 6 months simple imprisonment further directing the sentences to run concurrently. Challenging the above said conviction and sentence, the petitioner has preferred the present Criminal Appeal along with the above Miscellaneous Petition seeking suspension of sentence.

6.The learned counsel for the petitioner submitted that there are several infirmities in the prosecution case. He further submitted that fine amount already paid by the petitioner. The sentence imposed on the petitioner was suspended by the trial Court. Hence, he seeks suspension of sentence.

7.The learned Special Public Prosecutor appearing for the respondent Police submitted that there are enough materials available on record against the petitioner and hence, he strongly opposed this petition.

8.This Court considered the rival submission made by the learned counsel appearing on either side and perused the materials available on record.

9.Considering the facts and circumstances of the case and also considering the



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fact that the sentence imposed on the petitioner was suspended by the trial Court and there are some arguable points involved in the criminal appeal, the petitioner is entitled to the relief of grant of suspension of sentence.

10. Accordingly, the relief of suspension of sentence is granted to the petitioner on the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned II Additional District Court for CBI Cases, Madurai,;

(ii) The sureties shall affix his photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of his Aadhar card or Bank Pass Book to ensure their identity; and

(iii) The petitioner shall appear before the trial Court daily at 10.30 a.m., till the disposal of the appeal.

sd/-
22/01/2025

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Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg



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TO

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1 THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE FOR CBI CASES,
MADURAI.

2 THE INSPECTOR OF POLICE, SPE CBI ACB, CHENNAI.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/S.DICTUM LAW FIRM, Advocate (SR-647[I] dated 22/01/2025)

ORDER

IN

Crl.MP.(MD).No.707 of 2025

and

Crl.A(MD)No.56 of 2025

Date :22/01/2025

RS/GSV/SAR-(31.01.2025) 5P 5C

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