



CRL MP(MD) NO. 5497 OF 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

CRL MP(MD) NO. 5497 OF 2025

in

CRL A(MD) NO. 271 of 2025

G.Balasubramanian

Appellant(s)

Vs

The State of Tamilnadu

Through the Inspector of Police,

CBI:ACB:Chennai,

RCMAI 2010 (A) 0035

Respondent(s)

PRAYER : This Criminal Miscellaneous Petition is filed under Section 430(3(i) of BNSS, 2023/Section 389(1) of Cr.P.C, to suspend the sentence imposed on the petitioner by the II Additional District Court for CBI Cases, Madurai in C.C.No.4 of 2012 dated 05.02.2025 and enlarge him on bail pending disposal of the above Criminal Appeal.

For Appellant:

Mr.K.Samidurai

For Respondent:

Mr.M.Karunanithi

Special Public Prosecutor



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ORDER

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The Criminal Miscellaneous Petition is filed to suspend the sentence imposed against the petitioner in C.C.No.4 of 2012, dated 05.02.2025, passed by the II Additional District Court for CBI Cases, Madurai, till the disposal of the appeal.

2.The petitioner is the first accused in C.C.No.4 of 2012 on the file of the II Additional District Court for CBI Cases, Madurai. He has been found guilty and convicted for the following offences:-

Section	Punishment	Fine (Rs.)	Default class
120B r/w 471 of IPC	2 years rigorous imprisonment	20,000	6 months simple imprisonment
120B r/w 420 of IPC	3 years rigorous imprisonment	30,000	6 months simple imprisonment
120 B r/w13(2) r/w 13(1)(d) of Prevention of Corruption Act	3 years rigorous imprisonment	30,000	6 months simple imprisonment
471 IPC	2 years rigorous imprisonment	20,000	6 months simple imprisonment
420 IPC	3 years rigorous imprisonment	30,000	6 months simple imprisonment
13(2) r/w 13(1)(d) of Prevention of Corruption Act	3 years rigorous imprisonment	30,000	6 months simple imprisonment

As against the conviction, the petitioner filed an appeal along with the petition to suspend the sentence.



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3.The learned counsel for the petitioner submitted that the petitioner has already served 87 days in prison. The maximum of the sentence imposed on the first accused appears to be three years rigorous imprisonment. The allegation against the first accused is that he is the Chief Manager, Indian Overseas Bank, Palayamkottai Branch. He colluded with the beneficiaries of the loan, namely, A5 and A6, who floated fictitious partnership firm by name M/s.Sri Kannabiran Packing Industries and sanctioned Open Cash Credit Limit of Rs,80,00,000/- without any security. The Accused Nos.5 and 6 failed to repay the credit availed by them. This caused loss to the tune of Rs.1,26,91,515/- to the Bank as on 31.05.2011. It is further submitted by the learned counsel for the petitioner that there is no violation caused by the petitioner in granting loan as he is only a superior authority and he had endorsed the loan based on the recommendation made by the then field officers.

4.The learned Special Public Prosecutor appearing for the respondent submitted that petitioner/A1 entered into criminal conspiracy with the other accused and misused the funds of the bank by sanctioning Open Cash Credit Term Loan, Vehicle Loan etc., to the defaulting borrowers by violating the norms of the Bank and thereby, caused loss of Rs.2,42,37,431/-, which is inclusive of interest by



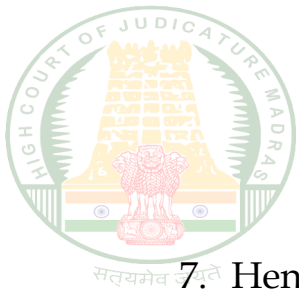
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sanctioning cash credit limit to a fictitious and non- existence industries. The petitioner also caused wrongful loss to the bank to the tune of Rs.1,26,91,515/- as on 31.05.2021. He further submitted that the trial Court has considered all the materials and documents and found the accused guilty and convicted them. Even in the order of this Court dated 07.03.2025, an exhaustive discussion has been made with regard to the observation of the Trial Court as to the role played by each of the accused. In view of such observation, earlier petition filed to suspend the sentence was dismissed. It is further submitted by the learned Special Public Prosecutor appearing for CBI that no new grounds are taken by the petitioner in the present petition for granting an order for suspending the sentence.

5.However, the learned counsel for the petitioner submitted that the petitioner is 70 years old and he is suffering from various ailments and he has to take care of his wife, who is also a cancer patient.

6.Since there is no possibility for taking up the appeal in the near future and taking note of the fact that the sentence imposed against A5 and A6 has already been suspended and they have been enlarged on bail on conditions and also considering the fact that the petitioner has health reasons and other adverse family circumstances, I feel the sentence alone can be suspended.



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7. Hence, the substantive sentence of imprisonment alone is suspended pending disposal of the appeal on the following conditions:

- i. that 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 Judge for CBI Cases, Madurai.
- ii. that the petitioner shall appear before the said Court on every first working day of the month, at 10.30 a.m. till the disposal of appeal.

8. Accordingly, this Criminal Miscellaneous Petition is allowed.

sd/-
19/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

cp

To

- 1.The II Additional District Judge for CBI Cases, Madurai.
2. The Superintendent, Central Prison, Madurai.
- 3.The Inspector of Police,
CBI:ACB:Chennai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
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in
CRL A(MD) NO. 271 of 2025
Date :19/06/2025

MK/20.06.2025 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023