



CRL MP(MD) No. 8193 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03-07-2025

CORAM

THE HONOURABLE DR JUSTICE R.N.MANJULA

CRL MP(MD) No. 8193 of 2025

in

CrI.A(MD).No.708 of 2025

C.Kalpana

Petitioner/ Appellant/ A5

Vs

The State of Tamil Nadu

Rep by The Inspector of Police,

SPE CBI ACB - Chennai. RC-MA1 2015(A) 00002.

Respondent/ Respondent/ Complainant

For Petitioner(s):

Mr.Pillai.C.S.S

For Respondent(s):

Mr.C.Muthusaravanan

Special Public Prosecutor for CBI cases

ORDER

This Criminal Miscellaneous Petition has been filed to suspend the sentence imposed on the petitioner/ A5 by the learned II Additional District Judge for CBI Cases, Madurai, in C.C.No.11 of 2015 dated 05.06.2025 pending disposal of the above appeal.

2. The appellant is A5. A1 is the Senior Manager of IOB, Chinthamani Branch. A3 is the Non-Governmental Organization run by A2. A4 is the Treasurer of A3.



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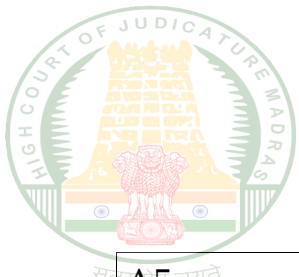
The appellant / A5 and A6 are Project Officers and workers of A3.

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3. The case of the prosecution is that A1 and other accused conspired together and created fictitious Self Help Groups, with fictitious persons as members and opened savings bank accounts in the name of Self Help Groups and managed to get loan running from Rs.4,25,000/- to Rs.5,00,000/- each, even though the actual beneficiary is not in existence. A5 and A6 had actually created fictitious and false documents that the borrowers are in existence. 73 loans have been sponsored by A3 Non Governmental Organization by creating false documents with the assistance of other accused and to the knowledge of A1. After the loan was sanctioned and credited in the fictitious accounts of the fictitious borrowers, the amounts were transferred to other accounts and thereby they unlawfully enriched themselves to the tune of Rs.3,38,38,244/-.

4. After investigation was over and the charge sheet was filed, the accused were subjected to trial and at the conclusion of trial, the learned trial Court had acquitted A4 and found all other accused guilty for various offences and sofaras A5 is concerned, she is found guilty and convicted and sentenced as follows.

Accused	Offences under Sections	Punishment	Fine	In default Sentence



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A5 जयदे
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120B r/w 468 IPC	Rigorous Imprisonment for 3 years	Rs.50,000/-	Simple Imprisonment for 6 months
120B r/w 471 IPC	Rigorous Imprisonment for 3 years	Rs.50,000/-	Simple Imprisonment for 6 months
120B r/w 420 IPC	Rigorous Imprisonment for 3 years	Rs.50,000/-	Simple Imprisonment for 6 months
120B IPC r/w 13(2) r/w 13(1) (d) of Prevention of Corruption Act, 1988	Rigorous Imprisonment for 3 years	Rs.50,000/-	Simple Imprisonment for 6 months
468 IPC	Rigorous Imprisonment for 3 years	Rs.3,00,000/-	Simple Imprisonment for 6 months
471 IPC	Rigorous Imprisonment for 3 years	Rs.1,00,000/-	Simple Imprisonment for 6 months
420 IPC	Rigorous Imprisonment for 3 years	Rs.5,00,000/-	Simple Imprisonment for 6 months

5. Mr.C.S.S.Pillai, learned counsel appearing for the petitioner/ appellant / A5 submitted that A5 with her limited capacity of being a staff of A3 did not play any active role in the scam; she had simply acted in accordance with the advise of A2; no amount has been transferred to her account; and she was not the beneficiary. It is



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further submitted that even the evidence reveal that the amount has been transferred to the account of A6 and there is no overt act against A5 to be convicted for the offences as stated supra.

6. In view of the above said ground, the appeal filed by the petitioner/appellant has been admitted. It is learnt that the sentence of imprisonment imposed against the petitioner has been suspended till 04.07.2025 furnishing sureties and further condition that the petitioner/appellant should sign before the trial Court on every Monday.

7. Despite the sentence of imprisonment has been suspended, it appears that the petitioner has not made any payment towards fine, as the total fine amount itself would aggregate to Rs.11,00,000/-.

8. The learned Special Public Prosecutor raised objections stating that the suspension of sentence of imprisonment itself is not fair in the absence of payment of fine. He further submitted that the petitioner is making deliberate attempts to misrepresent the facts of the criminal proceedings and the petitioner has also participated in the criminal conspiracy and acted along with the other accused.

9. It is already observed that there are grounds to hear the appeal in detail and there is no possibility to hear the appeal in short period. Considering the grounds raised by the petitioner and also taking into account of the other circumstances of



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the case, I feel the suspension of sentence of imprisonment can be granted to the
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petitioner.

10. However, the learned counsel for the petitioner further submitted that the petitioner/appellant is a practising lawyer and it is very difficult for him to generate income to meet out the hefty fine amount of Rs.11,00,000/- imposed by the trial Court. Since the fine amount is hefty, he prays that a portion of it may be directed to be paid as the condition.

11. Considering the above submission and also taking into consideration of the over all circumstances of the case, I feel that the payment of portion of the total fine of Rs.11,00,000/- can be reduced to Rs.3,05,000/- and the said amount shall be paid within a period of one week.

12. Accordingly, this petition is allowed on condition that the petitioner shall pay a portion of the fine amount of Rs.3,05,000/- (Rupees Three Lakhs and Five Thousand only) within a week from the date on which this order is uploaded in the official web-site.

13. The details of the part amount of the fine is given as follows:

Offences under Sections	Fine amount imposed by the trial Court	Part fine amount imposed as a condition
120-B r/w 468 of IPC	Rs.50,000/-	Rs.20,000/-
120-B r/w 471 of IPC	Rs.50,000/-	Rs.20,000/-
120 r/w 420 of IPC	Rs.50,000/-	Rs.20,000/-



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120-B of IPC r/w 13(2) and 13(1)(d) of Prevention of Corruption Act	Rs.50,000/-	Rs.20,000/-
468 of IPC	Rs.3,00,000/-	Rs.75,000/-
471 of IPC	Rs.1,00,000/-	Rs.25,000/-
420 of IPC	Rs.5,00,000/-	Rs.1,25,000/-
	Total amount	Rs.3,05,000/-

14. Thereafter, the substantive sentence of imprisonment imposed on the petitioner is suspended pending disposal of this appeal on the following condition:

(i) the petitioner/appellant is directed to be enlarged on bail on condition that the petitioner/appellant shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two sureties(one Government surety and one private surety) each for a like sum to the satisfaction of II Additional District Court (CBI Cases), Madurai;

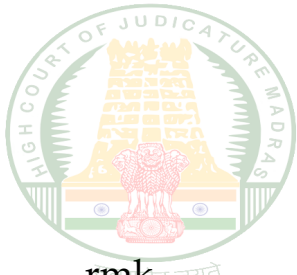
(ii) the petitioner shall appear before the CBI Court, Tiruchirappalli, once in a week i.e., on every Monday, until further orders;

(iii) furnishing sureties can be done only after payment of fine amount.

sd/-
03/07/2025

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08/07/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO
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- 1 THE II ADDITIONAL DISTRICT JUDGE (CBI CASES), MADURAI.
- 2 THE INSPECTOR OF POLICE, SPE CBI ACB - CHENNAI.
- 3 THE JUDGE, CBI COURT, TIRUCHIRAPPALLI.
- 4 THE SPECIAL PUBLIC PROSECUTOR FOR CBI CASES, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.S.PILLAI, Advocate (SR-7146[I] dated 04/07/2025)

ORDER
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in
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Date :03/07/2025

NBF/08.07.2025 7P/6C

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