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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

CrI.M.P.No. 3246 of 2026
and CrI.A.No.602 of 2015

G.Venkatanarayana
S/o.G.Kuppaiah

..Petitioner(s)

Vs

State Represented by Inspector of Police
SPE/CBI/ACB,
Chennai,
(R.C.No. 53(A) /2002)

..Respondent(s)

Prayer: Petition filed under Section 389(1) r/w Section 482 Cr.P.C., seeking to cancel the suspension of sentence / bail granted by this Court vide order dated 28.09.2015 in M.P.No.1 of 2015 in CrI.A.No.602 of 2015 in favour of the Petitioner / Accused No.1.

For Petitioner(s): Mr.K.P.Ananthakrishnan
for Mr.Abilash V

For Respondent(s): Mr.K.Srinivasan
Special Public Prosecutor (CBI Cases)

ORDER

Today, the learned counsel for the petitioner submitted that there is a typographical error in page No.2 of the order passed by this Court on 23.02.2026 in the 3rd line from the bottom, it has to be C.C.No.16 of 2002 instead of C.C.No.4 of 2005. Likewise, in the last line it should C.C.No.4 of



2005 instead of C.C.No.16 of 2002. The same to be corrected.

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2.The learned counsel referring to page No.17 of the typed set confirms that on 19.01.2026, the petitioner's surrender in C.C.No.16 of 2002, accepted and the petitioner now committed to the prison for undergoing the sentence. On the same day, the petitioner filed an affidavit and surrender petition, which are in Page Nos.21, 23 and 24 of the typed set, but the trial Court not accepted the same.

3.Further, referring to the return order passed by the learned IX Additional Special Judge (CBI Cases), Chennai, submitted that the learned trial Judge not accepted the surrender of the petitioner in C.C.No.4 of 2005 for the reason the suspension of sentence under Section 389(1) of Cr.P.C. was granted by the High Court and the High Court alone should cancel or revoke the order of suspension of sentence granted to the accused. He further submitted that without the order of the appellate Court, the trial Court cannot accept the surrender of the accused and commit him to prison to undergo sentence imposed by the trial Court in C.C.No.4 of 2005. The learned counsel submitted that it is completely on a misreading of the order passed by the High Court. The High Court, at the time of admitting the appeal of the petitioner in CrI.A.No.602 of 2015 granted suspension of sentence in M.P.No.1 of 2015 vide order dated 28.09.2015. Thereafter, the petitioner executed bond before the trial Court.



Hence, he now seeks to revoke the bond and accept his surrender.

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4. The learned Special Public Prosecutor submitted that it is not in dispute that the petitioner was convicted by the trial Court in C.C.No.16 of 2002 and thereafter on his conviction, he filed an appeal before this Court in Crl.A.No.658 of 2015, and this Court vide order dated 19.06.2012 dismissed the same, against which he preferred SLP before the Hon'ble Apex Court and the Hon'ble Apex Court dismissed the same. Now, the petitioner is facing a conviction as per the judgment passed by the trial Court in C.C.No.16 of 2002. Though, it is the High Court which had granted suspension of sentence in C.C.No.4 of 2005, the petitioner executed bond before the trial Court and he seeks revocation of the bond, which can be entertained and there cannot be any objection. He further submitted that the petitioner's surrender in the other case in C.C.No.16 of 2002 accepted on 19.01.2026 and in view of the same, there is no impediment or objection to accept the surrender of the petitioner in C.C.No.4 of 2005.

5. Considering the submissions and perusal of materials, it is an undisputed fact that the petitioner was convicted by the IX Additional Special Judge (CBI) in C.C.No.4 of 2005 on 25.08.2015, against his conviction, he had preferred an appeal in Crl.A.No.602 of 2015 along with suspension of sentence petition in M.P.No.1 of 2015. This Court, vide order dated 28.09.2015,



admitted the appeal and also granted suspension of sentence and Crl.A.No.602 of 2015 is pending for adjudication before this Court. The petitioner is facing yet another case in C.C.No.16 of 2002 and he was convicted by the trial Court on 08.08.2005, against which he preferred an appeal in Crl.A.No.658 of 2005 and the same was dismissed on 19.06.2012 and the petitioner preferred SLP No.6970 of 2012 and it was dismissed on 09.01.2025.

6.Thus, the petitioner's conviction in C.C.No.16 of 2002 confirmed and now the petitioner filed a surrender petition in Crl.M.P.No.76 of 2026 and surrendered before the trial Court and the trial Court accepted the surrender of the petitioner on 19.01.2026 and committed him to prison.

7.The petitioner, on the same day, filed a petition seeking cancellation of bond which he executed pursuant to the order in Crl.M.P.No.1 of 2015 passed in Crl.A.No.602 of 2015, against his conviction in C.C.No.4 of 2005. Now petitioner has surrendered in C.C.No.16 of 2002 and he is in prison, to avail the benefit under Section 428 of Cr.P.C. he had filed the surrender petition in C.C.No.16 of 2002. The trial Court returning this surrender petition is annexed to the typed set, which are scanned and reproduced hereunder;



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In the Court of
ADDITIONAL SPECIAL JUDGE (IX ADDL JUDGE - CBI)
SPECIAL COURTS FOR CBI CASES, CHENNAI
Chennai
Proceeded by: S.ISVARANE.,M.A.,L.L.B.,

CNR No: TNC-020000972026
Case No: CRLMP/76/2026
Date Of Decision: 19-01-2026

venkatanarayana

...Petitioner

Petitioner Advocate: K.Jayavarthini

Versus

CBI

...Respondent

Respondent Advocate:

ORDER

Disposal Type: Allowed

In CC 16 of 2002, Accused surrendered before this court for undergoing sentence in CC.No. 16 of 2002 modified in Cr.A.No. 658 of 2005. Surrender Accepted. Accused is committed to prison for undergoing sentence with committal Warrant.

Dated: 19-01-2026

S.ISVARANE.,M.A.,L.L.B.,
ADDITIONAL SPECIAL JUDGE (IX ADDL
JUDGE - CBI)
SPECIAL COURTS FOR CBI CASES,
CHENNAI
Chennai





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IN THE COURT OF ADDITIONAL SESSIONS
 G.M.P. EXCLUSIVELY FOR CBI CASES
 C.C. 4th of 2005

G. Venkatasayana ... Petitioner/ Accused.

Vs.

State by
 CBI/CFE/ACB Chennai ... Respondent/Complainant

AFFIDAVIT FOR SURRENDER

The petitioner submits that he was convicted in the above case and the case is pending appeal before the Hon'ble High Court.

The High Court had released the petitioner on bail in G.M.P. No. 11 of 2015 in C.A. 602 of 2015 dated 28.09.2015 on his own bond and in payment of Rs. 10,000/-.

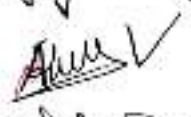
The petitioner was convicted in another case and is surrendering for serving the sentence. Therefore he seeks to surrender in this case also.

This Hon'ble court may be pleased to cancel the bail bond executed by him at his request in this case and commit him to custody.

It is therefore prayed that this Hon'ble court that it may be pleased to accept the surrender and commit him to custody and pass such or any other order as this court deems fit and thus render justice.

Dated at Chennai on this 19th day of January 2022


 Petitioner/Accused.


 Counsel for Petitioner/Accused.



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BEFORE THE HON'BLE IX ADDL SPECIAL COURT FOR (22)
CBI CASES, AT CHENNAI

CRL MP No ³²²⁴⁶ OF 2026
IN
C.C No 4 OF 2005



G. Venkatanarasimhan

- Verdict -

into rep. by SPE/CBI/ACB
Chennai.

... Complainant.

SURRENDER PETITION FILED ON BEHALF OF
THE PETITIONER /ACCUSED

The petitioner above named humbly begs to submit as follows:

That in CC No 16 of 2002, the Petitioner /Accused was convicted and sentenced to undergo 2 years rigorous imprisonment which was reduced to 1 year by Hon'ble High Court in CRLA No. 658 of 2005.

2. That in the present case, the petitioner was convicted by the Hon'ble Court and the conviction was stayed by the Hon'ble High Court vide Order dated 28.09.2015 in Crl.M.P.No 1 of 2015 in Crl.A.No. 602 of 2015 and the said appeal is pending.



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3. That the petitioner has exhausted all its legal remedies as against the conviction in C.C-No 16 of 2002 and is overwhelmingly surrendered before this Hon'ble Court and to judicial custody in obedience with the process of law. The present surrender is bona fide and without any intent to evade the administration of justice.

In view of the above circumstances, it is humbly prayed before this Hon'ble Court may graciously be pleased to accept the voluntary surrender of the petitioner / accused before this Hon'ble Court and pass such further or other orders as this Court may deem fit and thus render justice.

Dated at Chennai on this the 19th January 2026.

PETITIONER / ACCUSED

COUNSEL FOR PETITIONER / ACC.



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19/1/2026 (Contd)

Without the order of the Appellate Court, this Court cannot accept the surrender of the accused and commit him to prison to undergo sentence imposed by this Trial Court.

Hence, this petition is returned with direction to approach the Hon'ble High Court for appropriate relief.

2
IX Addl. Judge
for CBI cases,
Chennai.



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~~CRL MP / 79 / 2026~~

CC 4/2005

19/1/26

Submitted

Petitioner / accused (A)

of above case who
is voluntarily surrender
before this court and pray
accept this court to his
surrender. C Appeal is
at 602/15 pending before
Hon'ble High Court of
Madras

For orders:- On
19/1/26Returned

The Appellate Court namely
Hon'ble High Court of Madras has
suspended the sentence u/s.
389(1) of CrP.C. Hence, the
Appellate Court namely Hon'ble
High Court alone is entitled
to cancel or revoke the order
of suspension of sentence
granted to the accused.
(Contd)

BEFORE THE HON'BLE IX
ADDITIONAL SPECIAL COURT FOR
CBI CASES, AT CHENNAI

CRL.M.P. NO. of 3246/2

IN

CC NO. 4 of 2005

In the matter of:

G. Venkatanarayana

... Petitioner / Accused

// versus //

State by SPE/CBI/ACB, Chennai

... Respondent / Complainant



COUNSEL FOR
PETITIONER/ACCUSED

Ph No. 9840471800



8. The trial Court citing the High Court's suspension order and not accepting his surrender is not proper. The rejection order passed on 19.01.2026 and returning the petition is hereby set aside. The petitioner to collect the surrender petition from the Registry and to represent the same. Registry is directed to return the vakalat, affidavit of surrender, surrender petition to the petitioner, who shall represent the same before the concerned Court. The petitioner now seeks to cancel the bond executed and to accept his surrender in C.C.No.4 of 2005. Hence, the trial Court is directed to accept the petitioner's surrender on 19.01.2026 and to cancel the bail bond executed so that the petitioner's plea of seeking setting off under Section 428 Cr.P.C. can be considered by this Court at the time of disposing the appeal in Crl.A.No.602 of 2015.

9. With the above direction, this Criminal Miscellaneous Petition stands ordered.

25-02-2026

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To.

1. The Inspector of Police
SPE/CBI/ACB,
Chennai

2. IX Additional Special Court
for CBI Cases
Chennai



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CRL MP No. 3246 of 2



M.NIRMAL KUMAR, J.

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CrI.M.P.No. 3246 of 2026
and CrI.A.No.602 of 2015

25.02.2026