



WEB COPY



CrI.MP.No.5467 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2026

CORAM:

THE HON'BLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.MP.No.5467 of 2026

in

CrI.A.No.331 of 2026

S.Elumalai

...Petitioner

Vs.

The Inspector of Police,
CBI/ACB/Chennai.
Shastri Bhavan.

...Respondent

Criminal miscellaneous petition filed under Section 430 of BNSS, seeking to suspend the sentence of imprisonment imposed on the appellant/accused by the order and judgment dated 09.01.2026 of the learned XXIV Additional City Civil and Sessions Judge (CBI cases relating to Banks and Financial Institution Scams), Chennai in C.C.No.20 of 2013 pending the final disposal of the criminal appeal.

For Petitioner : Mr.K.Gopinath

For Respondent : Mr.N.Baaskaran, Special Public Prosecutor

ORDER

This criminal miscellaneous petition has been filed by the petitioner seeking suspension of sentence imposed by the learned XXIV



Additional City Civil and Sessions Judge (CBI cases relating to Banks and Financial Institution Scams), Chennai, in C.C.No.20 of 2013, vide judgment dated 09.01.2026.

2. The conviction and sentence imposed against the petitioner/appellant, vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
120B r/w. 409, 420, 468 and 471 of IPC and Sections 13(2) r/w. 13(1)(d) of the Prevention of Corruption Act	one year rigorous imprisonment and a fine of Rs.5,000/-, in default, to undergo three months simple imprisonment.
420 of IPC	one year rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.
468 of IPC	one year rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.
468 r/w. 471 of IPC	one year rigorous imprisonment and a fine of Rs.1,000/-, in default, to undergo three months simple imprisonment.

3. Learned counsel for the petitioner/appellant submitted that the petitioner is an innocent person and he has been falsely implicated in this



Crl.MP.No.5467 of 2026

case. He further submitted that this Court, vide orders all dated 06.02.2026 made in Crl.M.P.Nos.1556, 2007, 1772 & 2082 of 2026 in Crl.A.Nos.97, 138, 118 & 141 of 2026 respectively and vide order dated 02.03.2026 made in Crl.M.P.No.3886 of 2026 in Crl.A.No.240 of 2026, had suspended the sentence imposed on the co-accused persons. Furthermore, the learned counsel for the petitioner submitted that the petitioner had paid the entire fine amount imposed by the trial Court. He also submitted that there are arguable points in the criminal appeal, which is unlikely to be taken up for final hearing in the near future and the petitioner/appellant has a fair chance of succeeding in the appeal and hence, the sentence imposed on the petitioner/appellant may be suspended.

4. Per contra, the learned Special Public Prosecutor appearing for the respondent strongly opposed for suspending the sentence of imprisonment imposed on the petitioner stating that the petitioner, in collusion with other accused, by forging and falsifying the documents, cheated the bank and caused significant financial loss. He further submitted that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the



Crl.MP.No.5467 of 2026

petitioner/appellant guilty and convicted and sentenced him, as stated above, which cannot be said to be erroneous. Accordingly, he prayed for dismissal of this petition.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and also considering the submissions made by the learned counsel on either side and also taking note of the fact that this Court had suspended the sentence of imprisonment imposed on the co-accused/A1, this Court is inclined to grant the relief of suspension of sentence to the petitioner, till the disposal of the criminal appeal, on the following conditions:-

(i) The petitioner/appellant 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 XXIV Additional City Civil and Sessions Court for CBI Cases, Chennai;

(ii) The petitioner/appellant shall appear before the trial Court on the first working day of every month at 10.30 a.m., until the disposal of the criminal appeal.



Crl.MP.No.5467 of 2026

WEB COPY

(iii) If the petitioner is not able to appear before the trial Court on that day, he shall make arrangements to file an application under Section 317 of 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.

7. This criminal miscellaneous petition stands ordered accordingly.

25.03.2026
(2/2)

skt

To:

1. The XXIV Additional City Civil and Sessions Judge,
(CBI cases relating to Banks and Financial Institution Scams),
Chennai.
2. The Inspector of Police,
CBI/ACB/Chennai.
Shastri Bhavan.
3. The Public Prosecutor,
Madras High Court.



WEB COPY



Crl.MP.No.5467 of 2026

A.D.JAGADISH CHANDIRA, J.

skt

Crl.MP.No.5467 of 2026
in
Crl.A.No.331 of 2026
(2/2)

25.03.2026