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Crl.M.P.No.6040 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2026

CORAM:

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

Crl.M.P.No.6040 of 2026

in

Crl.A.No.400 of 2026

1.M.Durai
2.K.Sivakumar
3.V.Sivakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
CBI/ACB/Chennai.

... Respondent

PRAYER: Criminal Miscellaneous Petition is filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, to suspend the execution of the sentence and conviction dated 27.02.2026 passed in C.C.No.47 of 2011 against the petitioners/appellants by the learned XI Additional Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai, pending disposal of the criminal appeal.

For Petitioners : Mr.R.Karthikeyan

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

ORDER

This Criminal Miscellaneous Petition has been filed seeking suspension of sentence of imprisonment, passed by the learned XI



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Additional Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai, in C.C.No.47 of 2011, vide judgment dated 27.02.2026.

2. The conviction and sentence imposed against the petitioners/appellants (A5, 6 & 7), vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
120B r/w 420 IPC and under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act	One year rigorous imprisonment and a fine of Rs.1,000/-, 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.
The sentences were ordered to run concurrently.	

3. The learned counsel appearing for the petitioners/appellants submitted that the petitioners are innocent and have been falsely implicated in this case. He further submitted that the petitioners have properly maintained their records and that there are arguable points available in the Criminal Appeal, which is unlikely to be taken up for final hearing in the near future and the petitioners/appellants have a fair chance of succeeding in the appeal. He also submitted that the fine amount has



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been paid by the petitioners/appellants on 27.02.2026. He further submitted that the trial Court has already suspended the sentence imposed on the petitioners/appellants till 26.03.2026. He also submitted that the co-accused/A2 in this case has also been granted suspension of sentence by this Court vide order dated 01.04.2026 in Crl.M.P.No.5890 of 2026. Hence, the sentence imposed on the petitioners/appellants may be suspended and they may be enlarged on bail.

4. Learned Special Public Prosecutor appearing for the respondent opposed the grant of suspension of sentence stating that the accused had entered into a criminal conspiracy and by forging and falsifying the documents such as chitta/adangal, valuation certificates, FMB copies and encumbrance certificates, cheated the bank and caused a huge financial loss. He further submitted that the specific overt act against the petitioners/appellants is that they along with A3, who is the Proprietor of M/s.Om Motors, had issued bogus quotations to be annexed with the loan applications, thereby enabling the applicants to avail loans. He also submitted that the trial Court, after taking into consideration the oral and documentary evidence produced by the prosecution, rightly found the petitioners/appellants guilty and convicted and sentenced them, as stated above.



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5. Heard the learned counsel for the petitioners/appellants and Special Public Prosecutor appearing for the respondent and perused the materials on record.

6. Considering the facts and circumstances of the case and also the submissions made by the learned counsel on either side and taking note of the fact that the co-accused has been granted suspension of sentence by this Court, this Court is inclined to suspend the sentence of imprisonment imposed on the petitioners. Accordingly, till the disposal of the appeal, the relief suspension of sentence is granted to the petitioners, subject to the following conditions:-

“(i) The petitioners/appellants shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties, each for a like sum, to the satisfaction of the learned XI Additional Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai;

(ii) The petitioners/appellants shall appear before the trial Court on the first working day of every English calendar month at 10.30 a.m., until further orders.”



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7. It is made clear that in the event of the petitioners/appellants not being able to appear before the trial Court concerned on the specified date, they shall be duly represented by their counsel, who shall file an application under Section 317 Cr.P.C before the trial Court concerned and the petitioners/appellants shall appear before the trial Court on such other date(s) as directed by the trial Court.

8. Accordingly, the Criminal Miscellaneous Petition stands ordered.

07.04.2026

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To

1. The Sessions Judge,
XI Additional Special Judge for CBI Cases
relating to Banks and Financial Institutions,
Chennai.
2. The Inspector of Police,
CBI/ACB/Chennai.
3. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA, J.

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