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Crl.M.P.No.7698 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2026

CORAM:

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

Crl.M.P.No.7698 of 2026

in

Crl.A.No.551 of 2026

1. G.Sivalingam

2. C.Murugesan

...Petitioners

Vs.

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

...Respondent

Criminal miscellaneous petition filed under Section 430(1) of the Bharatiya Nagarik Suraksha Sanhita, to suspend the sentence of imprisonment passed by the learned XI Additional Special Judge for CBI cases relating to Banks and Financial Institutions, Chennai in C.C.No.51 of 2011 dated 03.03.2026 and release the petitioners/appellants/ A8 & A9 on bail, pending disposal of the appeal.

For Petitioners : Ms.M.Anitha

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



ORDER

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This criminal miscellaneous petition has been filed seeking suspension of sentence of imprisonment, imposed by the learned XI Additional Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai, in C.C.No.51 of 2011, vide judgment dated 03.03.2026.

2. The conviction and sentence imposed against the petitioners/appellants (A8 & A9), vide impugned judgment are as follows:-

<i>Under Section</i>	<i>Sentence</i>
120B r/w 420 of IPC and 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. Learned counsel for the petitioners/appellants made the following submissions:

3.1 The petitioners are innocent and they have been falsely implicated in this case and they have not caused any wrongful loss to the bank as charged by the prosecution.



3.2 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. The fine amount has been paid by the petitioners/appellants and the trial Court has suspended their sentence till 03.04.2026.

3.3 This Court, in a case involving the offences of similar nature, vide order dated 26.03.2026 made in Crl.M.P.No.5451 of 2026 in Crl.A.No.328 of 2026, suspended the sentence imposed on the accused therein. Hence, on the ground of parity the sentences imposed on the petitioners also may be suspended.

4. Per contra, the learned Special Public Prosecutor (CBI) appearing for the respondent opposed the grant of suspension of sentence stating that the accused, by forging and falsifying the documents, cheated the bank, obtained loan 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 petitioners/appellants guilty and convicted and sentenced them, as stated above, which cannot be said to be erroneous.



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5. Heard the learned counsel for the petitioners/appellants and learned Special Public Prosecutor (CBI) 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, this Court is inclined to suspend the sentence of imprisonment imposed on the petitioners. Accordingly, till the disposal of the appeal, the relief of suspension of sentence is granted to the petitioners/appellants, 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 XI Additional Special Judge for CBI Cases relating to Banks and Financial Institutions, Chennai;

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

(iii) In the event of the petitioners not being able to appear before the trial Court concerned on the specified date, they shall be duly represented by their



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counsel, who shall file an application under Section 317 Cr.P.C before the trial Court concerned and the petitioners shall appear before the trial Court on such other date(s) as directed by the trial Court.”

7. Accordingly, this criminal miscellaneous petition stands ordered.

29.04.2026
(2/2)

skt

To:

1. The XI Additional Special Judge,
CBI Cases relating to Banks and Financial Institutions,
Chennai.
2. The Superintendent 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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