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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2026

CORAM

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

CRL MP No. 22347 of 2026
in CRL A No. 1442 of 2026

P.Athimani
S/o M.Periasamy, BT Asst.Government High School,
Thoppur, Krishnagiri. Residing at 5-862, Adhi Dravidar
Ward 25, Pannandur, Krishnagiri. .. Petitioner(s)

Vs.

State Represented by
Sub Inspector of Police,
SPE:CBI:ACB:Chennai,
(Crime No.RC.MA1/2015/A/0021 of
SPE:CBI:ACB/Chennai, dated 29.05.2015) .. Respondent(s)

PRAYER: To suspend the sentence imposed on the petitioner in C.C.No.39 of 2015 passed by the learned IX Additional Special Judge for CBI Cases, Chennai by a judgment dated 13.10.2026 and enlarge the petitioner on bail pending disposal of the above criminal appeal.

For Petitioner(s): Mr.V.S.Venkatesh

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

ORDER

Heard Mr.V.S.Venkatesh for the petitioner.

2.Mr.K.Srinivasan, Senior Counsel and Special Public Prosecutor for CBI cases takes notice for the respondent.

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3.The petitioner has been convicted by the learned IX Additional Special Judge for CBI cases under Sections 420 and 471 of IPC and directed to undergo imprisonment for a period of two years.

4.The petitioner is A2. A1 was working as Technician Grade-I/ELF at Loco Works, Perambur. He is alleged to have entered into a criminal conspiracy with A2/petitioner in promising to obtain employment for job aspirants in the Indian Railways. It was his further allegation that in pursuance of this conspiracy, a sum of Rs.22,41,000/- had been collected from several job aspirants.

5.After investigation, the respondent filed a positive final report. It was taken on file as C.C.No.6 of 2020. Initially the case was split up against A1. Thereafter, it was reported that A1 is dead. Consequently, the proceedings against A1 were dismissed as abated.

6.In order to prove the case of the prosecution, CBI marched as many as 34 witnesses and produced 83 documents. No witnesses or documents were filed on the side of the petitioner / appellant.

7.The learned Trial Judge came to a conclusion that the petitioner is guilty

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and imposed the punishment as aforesaid. He also suspended the sentence till 12.11.2026. Mr.V.S.Venkatesh states that the period granting suspension was extended for a further period of two weeks by the learned Trial Judge.

8.Mr.V.S.Venkatesh submits that it was A1 who was directly involved with the Railways and no evidence had been offered by any of the witnesses to the effect that A2 played a role in the job racketing. He relies upon the finding of the learned Trial Judge in paragraph No.19 of the order that one Swaminathan had collected funds from those who attempted to secure jobs using the name of the petitioner. He pointed out persons who are alleged to have collected the funds in the name of the appellant, namely, Vijayakumar, Anbu and Murugavelu, and are alleged to have operated as intermediaries were neither added as accused nor arrayed as witnesses. According to him, the Trial Judge had failed to appreciate that none of the ingredients under Section 420 of IPC had been made out. Dishonest intention of the appellant had not been substantiated.

9.In addition, out of the 63 witnesses who are said to have duped by the petitioner, only 34 witnesses were examined and they too, did not substantiate the case of cheating. He states that the appellant is enjoying the benefit of suspension and it can be continued till the disposal of the appeal.

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10.Mr.K.Srinivasan stoutly opposed this application. He points out the appellant had been found guilty of Section 420 of IPC in as may as 14 counts. He adds that insofar as Section 471 of IPC is concerned, the appellant had been found guilty of two counts. Accepting the argument of the appellant insofar as the other witnesses are concerned, he pleads that considering the seriousness, this Court must not entertain the application.

11.Heard Mr.V.S.Venkatesh for the petitioner and Mr.K.Srinivasan for the respondent.

12.The sentence that has been imposed is for a period of two years. As of now, this Court is dealing with appeals of senior citizens of the year 2020. In case suspension of sentence is not granted, the purpose of presenting the appeal would be rendered infructuous. Apart from that, the petitioner was not employed in the Indian Railways. He was a Teaching Assistant under the Government of Tamil Nadu at Thoppur, Dharmapuri District. The charge against A1 is abated.

13.Therefore, considering the submissions made by Mr.V.S.Venkatesh, this Court is inclined to suspend the sentence imposed on the petitioner on the following conditions:-

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(i)The petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the learned IX Additional Special Court for CBI Cases, Chennai;

(ii)The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the trial Court may obtain a copy of their Aadhar cards or Bank pass Books and mobile numbers to ensure their identities; and

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

14.Accordingly, this criminal miscellaneous petition stands ordered.

20.11.2026
(2/2)

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To

1..The IX Additional Special Judge for CBI Cases,
IX Additional Special Court for CBI cases, Chennai.

2.The Sub Inspector of Police,
SPE CBI ACB Chennai, (Crime No.RC.MA1/2015/A/0021 of SPE CBI ACB/Chennai)

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V.LAKSHMINARAYANAN J.

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