



CRL MP(MD). No.872/2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved on : 11.02.2026

Delivered on : 18.02.2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). No.872/2026

in

CRL A(MD)No.59/2026

S.Suresh Babu

... Petitioner/A11

Vs

State of Tamilnadu Rep by
The Inspector of Police,
SPE/CBI/ACB/Chennai.
[in RC MA 1 2010 [A] 0008].

... Respondent

PRAYER :- Petition filed under Section 430[i] of BNSS seeking to suspend the sentence passed in CC.No.9/2012 on the file of the learned II Additional District Court [CBI Cases], Madurai vide judgment dated 24.12.2025 as against the appellant/petitioner.

For Petitioner : Mr.Niranjana S. Kumar

For Respondent : Mr.C.Muthu Saravanan
Special Public Prosecutor
for CBI Cases.



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ORDER

(1) This Criminal Miscellaneous Petition is filed by the petitioner, who is arraigned as A11 out of 34 accused, to suspend the sentence passed by the learned II Additional District Judge [CBI Cases], Madurai, in CC.No.9/2012, dated 24.12.2025, and to enlarge him on bail pending disposal of the appeal.

(2) The prosecution case in brief was that during the period from July 2009 to December 2009, A1 to A3 [A2 died], A8, A12 along with the petitioner, being public servants, entered into criminal conspiracy with private persons A4 to A7, [passport agents/brokers at Madurai], and A9, A10 [Advocate and Notary Public], for issuance of passports on Tatkal basis for A13 to A34, Srilankan Nationals, in fictitious names and addresses, and thereby intentionally cheated the Government of India, Ministry of External Affairs, Passport Office, Madurai. The CBI:ACB, Chennai, therefore, registered a case in RC MA 1 2010 [A] 0008, for the offences under Sections 120-B read with 419, 420, 467, 468 and 471 of IPC and Section 13[2] read with 13[1][d] of the Prevention of Corruption Act, 1988, against the accused. On completion of investigation, the respondent police filed a Final Report



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on 22.05.2012 against the public servant-A1, the then Assistant Passport Officer, at Madurai and 33 others before the learned II Additional District Judge for CBI Cases, Madurai.

(3)The case was taken up on file in CC.No.9/2012. On the side of the prosecution, PW1 to PW35 were examined and 133 documents, namely, Exs.P1 to P133 were marked. One material object was marked as MO1. On the side of the defence, no oral or documentary evidence was adduced. On consideration of the entire evidence on record, the Trial Court, vide judgment dated 24.12.2025, convicted and sentenced the petitioner as follows:-

<i>Sl.No.</i>	<i>Conviction under Section</i>	<i>Sentence Awarded</i>
1	120-B r/w 420 of IPC	To undergo 4 years RI, and to pay a fine of Rs.10,000/-, in default, to undergo 6 months SI
2	120-B r/w 468 of IPC	To undergo 4 years RI, and to pay a fine of Rs.10,000/-, in default, to undergo 6 months SI
3	120-B r/w 471 of IPC	To undergo 4 years RI, and to pay a fine of Rs.10,000/-, in default, to undergo 6 months SI
4	120-B r/w 201 of IPC	To undergo 2 years RI, and to pay a fine of Rs.10,000/-, in default, to undergo 6 months SI



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5	120-B of IPC r/w 13[2] r/w 13[1][d] of PC Act	To undergo 3 years RI, and to pay a fine of Rs.10,000/-, in default, to undergo 6 months SI
6	420 of IPC	To undergo 4 years RI, and to pay a fine of Rs.10,000/-, in default, to undergo 6 months SI
7	468 of IPC	To undergo 4 years RI, and to pay a fine of Rs.10,000/-, in default, to undergo 4 months SI
8	471 of IPC	To undergo 4 years RI, and to pay a fine of Rs.10,000/-, in default, to undergo 6 months SI
9	201 of IPC	To undergo 2 years RI, and to pay a fine of Rs.10,000/-, in default, to undergo 6 months SI
20	13[2] r/w 13[1][d] of PC Act	To undergo 3 years RI, and to pay a fine of Rs.10,000/-, in default, to undergo 6 months SI

The sentences were ordered to run concurrently. Aggrieved by the conviction and sentence of the Trial Court, the petitioner has filed the aforesaid Criminal Appeal along with the application seeking suspension of sentence.

(4)The respondent/CBI filed a detailed counter, narrating the entire facts of the case leading to the conviction and sentence of the petitioner as aforesaid. The respondent, in the counter, denied all the grounds raised by the petitioner in the appeal as well as in the suspension of



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sentence application and further stated that the role of the petitioner was corroborated by both oral and documentary evidence on record.

The respondent stated that in the absence of any palpable or apparent error in the judgment of the Trial Court, interference by this Court was unwarranted. The respondent/CBI in the counter further stated that the petitioner criminally conspired with the other accused and fraudulently and dishonestly induced the Passport Office at Madurai, to issue passports on tatkal basis to the Srilankan Nationals, who are arraigned as A13 to A34, in fictitious names and addresses, with an intention to cheat the Passport Office at Madurai, Ministry of External Affairs, Government of India. The respondent stated that the offences committed by the petitioner was grave and unbecoming of a Government servant. The respondent therefore prayed that the application for suspension of sentence be rejected as meritless.

(5) Heard both sides and perused the materials placed on record.

(6) It is seen that the main allegation against the petitioner, arraigned as A11 was that while he was working as Junior Assistant in the office of the Superintendent of Police, Foreigners Registration Bureau [FRB], Dindigul, he abused his official position by destroying the



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letters and tapals, in violation of the procedure provided in the Police Manual with an intention to suppress the PP Forms of A13 to A34, [except A18], which were not sent by the RPO, Madurai, to Dindigul. The intention of the accused in destroying the documents, according to the prosecution, was to ensure that the Tatkall passports issued to A13 to A34 under fictitious applications, were not recalled.

(7) It is the contention of the learned counsel for the petitioner that it is an admitted case that the PP Forms of A13 to A34 [except A18], were not sent by the RPO, Madurai, to Dindigul. While so, there was no need for the petitioner/A11 to destroy the PP Forms of A13 to A34. Regarding the destruction of the tapals, the learned counsel's submission was that the same were destructed after obtaining proper permission from the appropriate authority. The learned counsel for the petitioner further contended that the Trial Court, founded the conviction solely on the self incriminating confessional statement of the petitioner, in clear violation of the constitutional protection against self incrimination guaranteed under Article 20 [3] of the Constitution. The learned counsel therefore, prayed that the application be allowed.



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(8) A cursory reading of the judgment of the Trial Court reveals that it has convicted the petitioner, not merely on the basis of Ex.P118, but also on the basis of Exs.P96 and P124 and the evidence of PW30. This Court therefore, finds that the contention of the learned counsel for the petitioner that the self incriminating confessional statement under Ex.P118, formed the sole basis for conviction of the petitioner, cannot be sustained.

(9) The learned counsel for the petitioner further contended that the petitioner was not a part to the conspiracy since there was no question of the destruction of the forms when admittedly, none were received. The learned counsel, relied on Exs.P122 and P123, the Passport Registers in support of the said contention. I am afraid that the said contention is baseless because the allegation is that the petitioner destroyed all the tapals and communications received from the Passport office with the intention of concealing the issuance of illegal Passports and preventing their recall. Admittedly, the petitioner destroyed the tapals and communications. Though the petitioner claims that he did it after obtaining permission, the prosecution contends that the destruction was in violation of the Police Manual,



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Ex.P96. This Court is of the view that a mini trial cannot be undertaken at this stage. This Court prima facie finds that the conclusions of the Trial Court on the aforesaid contentions are based on proper appreciation of the evidence on record.

(10) The Hon'ble Supreme Court in the case of ***Om Prakash Sahni Vs. Jaishankar Chaudhary and Another [2023 [6] SCC 123]***, held in paragraph No.33 as follows:-

"33. Bearing in mind the aforesaid principles of law, the endeavour on the part of the court, therefore, should be to see as to whether the case presented by the prosecution and accepted by the trial court can be said to be a case in which, ultimately the convict stands for fair chances of acquittal. If the answer to the abovesaid question is to be in the affirmative, as a necessary corollary, we shall have to say that, if ultimately the convict appears to be entitled to have an acquittal at the hands of this Court, he should not be kept behind the bars for a pretty long time till the conclusion of the appeal, which usually takes very long for decision and disposal. However, while undertaking the exercise to ascertain whether the convict has fair chances of acquittal,



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what is to be looked into is something palpable. To put it in other words, something which is very apparent or gross on the face of the record, on the basis of which, the court can arrive at a prima facie satisfaction that the conviction may not be sustainable. The appellate court should not reappreciate the evidence at the stage of Section 389 CrPC and try to pick up a few lacunae or loopholes here or there in the case of the prosecution. Such would not be a correct approach."

(11)The learned counsel for the petitioner was not able to demonstrate before this Court any palpable error in the judgment of the Trial Court. All other issues raised by the learned counsel for the petitioner, are matters to be considered at the time of final hearing of the appeal. Further, the petitioner has criminal antecedents in the form of proceedings in Cr.No.131/2023 for serious offences u/s.392 and 354[B] of IPC. Therefore, this Court finds no compelling reason to grant the relief of suspension of sentence to the petitioner. The observations made by this Court are limited to the consideration of this application and shall not affect either party at the time of final hearing.



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(12)Hence, this Criminal Miscellaneous Petition is **dismissed**.

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Internet : Yes
TO

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- 2.The Inspector of Police,
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[in RC MA 1 2010 [A] 0008].
- 3.The Special Public Prosecutor [CBI]
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

AP

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