



CRL MP(MD). Nos.671 and 672 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04/02/2026

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

CRL MP(MD). Nos.671 and 672 of 2026

in

CRL A(MD)Nos.46 and 45 of 2026

Crl.M.P(MD)No.671 of 2026

A.Shajahan

... Petitioner/
Accused No.6

Vs

The State of Tamil Nadu Rep., by
The Inspector of Police,
SPE.CBI.ACB,
Chennai.
RC.MA1 2010 (A) 0008.

... Respondent

PRAYER :- To suspend the sentence imposed against the petitioner in C.C.No.9 of 2012 dated 24.12.2025 on the file of the learned II Additional District Judge for CBI Cases, Madurai and enlarge them on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.M.Subash Babu
For M/s.Subash Law Office,

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



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Crl.M.P(MD)No.672 of 2026

B.Bakrudeen @ Babu

... Petitioner/
Accused No.5

Vs

The State of Tamil Nadu Rep., by
The Inspector of Police,
SPE.CBI.ACB,
Chennai.
RC.MA1 2010 (A) 0008.

... Respondent

PRAYER :- To suspend the sentence imposed against the petitioner in C.C.No.9 of 2012 dated 24.12.2025 on the file of the learned II Additional District Judge for CBI Cases, Madurai and enlarge them on bail pending disposal of the above criminal appeal.

For Petitioner : Mr.M.Subash Babu
For M/s.Subash Law Office,

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

COMMON ORDER

These Criminal Original Petitions are filed to suspend the sentence imposed against the petitioners in C.C.No.9 of 2012 dated 24.12.2025 on the file of the learned II Additional District Judge for CBI Cases, Madurai and enlarge them on bail pending disposal of the above criminal appeals.

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2.The case of the prosecution is that the petitioners (Accused Nos.5 and 6) were brokers for obtaining passport from the Passport Office, Madurai. During June-July 2009, the petitioners are said to have entered into a criminal conspiracy with Accused Nos.13 to 34, and produced false documents, like School Certificates, Driving Licenses, ration cards, Voter Id cards, with non-existent serial numbers to obtain passports for them. The petitioners with the help of Accused No.8, Postman furnished false details and addresses for Accused Nos.13 to 34 and applied for passports under the Thakkal Scheme and obtained the same. Therefore, on the complaint of P.W.1, a case was registered against the petitioners in FIR No.RC.MA1 2010 A 0008 for the offences under Sections 120(b), 420, 468, 471 and 201 of IPC r/w Sections 13(2) and 13(1)(d) of the Prevention of Corruption Act. Based on the final report submitted by the respondent police, the case was registered in C.C.No.9 of 2012 on the file of the learned II Additional District Judge for CBI cases, Madurai.

3.Before the trial court, on the side of the prosecution, 35 witnesses were examined as P.W.1 to P.W.35 and 133 documents were



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marked as Ex.P.1 to Ex.P.133. One material object was marked as M.O.1. On the side of the accused, neither witness was examined nor document was marked.

4.The learned II Additional District Judge for CBI Cases, Madurai, upon considering the evidence both oral and documentary and on hearing the arguments on both the sides, passed the impugned judgment dated 24.12.2025, convicting the petitioners as follows:

S.No.	Offence	Sentence
1	Section 120B r/w 420 IPC	4 years R.I. and to pay a fine of Rs.10,000/-, in default to undergo 6 months S.I
2	Section 120B r/w 468 IPC	4 years R.I. and to pay a fine of Rs.10,000/-, in default to undergo 6 months S.I
3	Section 120B r/w 471 IPC	4 years R.I. and to pay a fine of Rs.10,000/-, in default to undergo 6 months S.I
4	Section 120B IPC r/w 13(2) r/w 13(1)(d) of Prevention of Corruption Act	3 years R.I. and to pay a fine of Rs.10,000/-, in default to undergo 6 months S.I
5	Section 420 IPC	4 years R.I. and to pay a fine of Rs.10,000/-, in default to undergo 6 months S.I
6	Section 468 IPC	4 years R.I. and to pay a fine of Rs.10,000/-, in default to undergo 6 months S.I
7	Section 471 IPC	4 years R.I. and to pay a fine of Rs.10,000/-, in default to undergo 6 months S.I



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4a. Aggrieved by the judgment of the Trial Court convicting and sentencing the petitioners as above, the petitioners have preferred the criminal appeal along with the petition for suspension of sentence.

5. The respondent filed a detailed counter narrating the role of the petitioners in the entire scheme of the crime. The respondent contended that Accused Nos.1 to 12, including the petitioners, committed illegal acts with the common intention of obtaining illegal Indian Passport for Accused Nos.13 to 34. The respondent contended that there were reasonable grounds to believe that the conspirators expressly agreed to do or cause to be done an illegal act and that such agreement could be proved by necessary implication also. The respondent further contended that the offence could be proved/inferred from the illegal acts or omissions committed by the conspirators in pursuance of their common design. The respondent further contended that the meeting of the minds between the accused, including the petitioners could be inferred by raising presumption of a common concerted plan to carry out the unlawful design to commit the criminal conspiracy. The respondent contended that in pursuance of the criminal conspiracy, the Accused



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Nos.1 to 12, the criminal conspirators dishonestly and fraudulently induced the Passport Office, Madurai, to issue Passports on Taktal basis to A13 to A34. The accused created fictitious names and addresses, with the intention to cheat the Government of India, Ministry of External Affairs, Passport Office, Madurai. The respondent therefore contended that under the circumstances, these petitions lacked merits and hence deserved to be dismissed.

6.The learned counsel for the petitioners submitted that the conviction and sentence imposed against the petitioners are *prima facie* unsustainable, since the Trial Court based its conviction solely on the statements made before P.W.33 by the accused while in custody, which was marked as Exhibit P.117. The learned counsel further submitted that the Trial Court ought to have seen that the statements made by the petitioners marked under Exhibit P.117, could not be used against them in view of constitutional protection under Article 20(3). The learned counsel for the petitioners further submitted that the petitioners have already paid the fine amount.



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7.The learned Special Public Prosecutor appearing for the respondent reiterated the submissions made in the counter affidavit and prayed that these petitions be dismissed as meritless, since no apparent error has been pointed out in the judgment of the Trial Court.

8.Heard both sides and perused the materials on record.

9.A perusal of the judgment shows that the only material relied upon against the petitioners (Accused Nos.5 and 6) was Exhibit P.117. The Trial Court also relied on the evidence of P.W.26,Thiru.Kannan, Notary Public, in support of its finding that Accused Nos.5 and 6 used to visit his office for getting number of affidavits in order to submit them to the Regional Passport Office (RPO), Madurai. Based on Ex.P.117 and the evidence of P.W.26, the Trial Court convicted and sentenced the petitioners.

10.As rightly contended by the learned counsel for the petitioners, the Trial Court committed a serious error in placing reliance on Exhibit P.117, which is a statement obtained by P.W.33 from the petitioners in



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the course of investigation. Such reliance is clearly impermissible in law as it violates the constitutional protection under Article 20(3) against self incrimination. Consequently, this Court *prima facie* finds that Exhibit P.117 could not have been made the basis for arriving at any adverse conclusion against the petitioners. The Trial Court also referred to the evidence of P.W.26, Thiru.Kannan, Notary Public, who deposed that the that Accused Nos.5 and 6 used to visit his office for getting number of affidavits.

11.This Court has gone through the evidence of P.W.26 and finds that the mere statement that the accused No.5 and 6 frequently visited his office has no relevance to their role in the crime, since the very witness further stated that he referred them to another notary public.

12.In view of the above discussions, this Court finds that a *prima facie* case is made out and the petitioners have arguable points in the appeal, which may result in acquittal. It is made clear that the aforesaid observations are made only for the limited purpose of deciding these applications and the same shall not affect either party at the time of final



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disposal of the appeal. This Court is therefore inclined to allow these applications for suspension of sentence.

13. Accordingly, these Criminal Miscellaneous Petitions are allowed and the substantive sentence of imprisonment alone is suspended pending disposal of the appeals with the following directions:

(i) the petitioners are directed to be enlarged on bail on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties, within a period of 10 days from the date of receipt of a copy of this order, each for a like sum to the satisfaction of the II Additional District Court for CBI Cases, Madurai.

(ii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of any valid identity proof to ensure their identity ;

(iii) The petitioners shall appear before the trial Court on every alternate Monday of every English Calendar month at 10.30 a.m., until further orders.

04.02.2026



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TO

- 1.The II Additional District Court for CBI Cases,
Madurai.
- 2.The Central Prison, Madurai.
- 3.The Inspector of Police,
SPE.CBI.ACB,
Chennai.
RC.MA1 2010 (A) 0008.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.MALA,J

Sn

ORDER
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