



Criminal Appeal Nos.674, 682, 739, 745 & 748 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 11.09.2023

Pronounced on : 10.10.2023

CORAM

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Criminal Appeal Nos.674, 682, 739, 745 & 748 of 2018

[Crl.A.No.674 of 2018 against C.C.No.5 of 2012]

R.Annamalai @ Anandan
S/o.Ranganathan
Prop. of M/s.Sakthivel Engineering Works,
Kommanandhal Village,
Pulivanandhal Post,
Polur Taluk, Tiruvannamalai District.

... Appellant/Accused No.2

/versus/

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

... Respondent/Complainant

Prayer: Criminal Appeal has been filed under Section 374(2) of Cr.P.C., praying to set aside the conviction and sentences passed by the lower Court in C.C.No.5 of 2012 dated 23.10.2018 by the Court of IX Addl. & Special Session Judge for CBI cases relating to Banks and Financial Institutions at Chennai and allow this appeal with costs.

For Appellant : Mr.T.Sivananthan
For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (C.B.I).



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[CrI.A.No.682 of 2018 against C.C.No.5 of 2012]

R.Vijayan @ Vijayakumar
Alapathur Village,
Pudupattu Post,
Chengam Taluk,
Tiruvannamalai District.

... Appellant/Accused No.5

/versus/

State rep. by
The Inspector of Police,
CBI/ACB/Chennai.
(R.C.No.22/A/2010).

... Respondent/Complainant

Prayer: Criminal Appeal has been filed under Section 374(2) of Cr.P.C.,
pleaded to call for the records in C.C.No.5 of 2012 on the file of learned XI
Addl. Special Session Judge, (Banking & Financial Institution Cases for
CBI), Chennai by its order dated 23.10.2018 and set aside the same and
allow this Appeal.

For Appellant : Mr.R.Bhagawat Krishna,

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor (C.B.I).

[CrI.A.No.739 of 2018 against C.C.No.5 of 2012]

V.Kannan
S/o.Veeran,
No.45, 2nd Main Road, 3rd Cross, I Phase,
VGP Layout, Palavakkam, Chennai-41.

... Appellant/Accused No.1

/versus/



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The State rep by
The Inspector of Police,
Central Bureau of Investigation,
ACB/ Chennai.
(RC.No.22/A/A2010).

... Respondent/Complainant

Prayer: Criminal Appeal has been filed under Section 374(2) of Cr.P.C.,
pleaded to allow the Criminal Appeal to set aside the judgment passed in
C.C.No.5 of 2012 dated 23.10.2018 on the file of Learned XI Additional
Special Session Court Court, Chennai (Banks and Finance Industrial related
CBI case).

For Appellant : Mr.K.Selvamani

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor (C.B.I).

[Crl.A.No.745 of 2018 against C.C.No.5 of 2012]

1. C.Seenivasan
S/o.Chinnaiyan
2. C.Rani
W/o.Chinnaiyan
Both residing at Kattumalaianoor Village & Post,
Thandarai via, Kizpennathur,
Tiruvannamalai District-606 804.
3. M.Pazhani
S/o.Manickam
Venkattampalayam,
Aadamangalam Post, Kalasapakkam,
Tiruvannamalai District-606 901.

... Appellants/Accused 7, 8 & 9

/versus/



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Inspector of Police,
CBI/ACB/ Chennai.
RC.No.22/A/2010

... Respondent/Complainant

Prayer: Criminal Appeal has been filed under Section 374(2) of Cr.P.C., praying to set aside the judgment and order in C.C.No.5 of 2012 passed by the learned XI Additional Sessions Judge, Special Court for Bank and financial Institution cases filed by CBI, Chennai and acquit the appellants/accused from the charges.

For Appellants : Mr.M.Thiagarajan

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor (C.B.I).

[CrI.A.No.748 of 2018 against C.C.No.5 of 2012]

P.Anjana,
W/o.Mr.Shivakumar
Thurinjapuram Village,
Tiruvannamalai Taluk & District.

... Appellant/Accused No.6

/versus/

The State, Rep By:
The Inspector of Police,
CBI-ACB, Chennai.
RC.No.22/A/2010

... Respondent/Complainant

Prayer: Criminal Appeal has been filed under Section 374(2) of Cr.P.C., praying to allow the appeal and set aside against the conviction and sentence



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passed on her by the learned XI Additional Special Judge -Banking and Financial Institutions – for CBI cases, Chennai-104 by his judgement dated 23.10.2018 in C.C.No.5 of 2012 and acquit her from all charges.

For Appellant : Mr.S.Vediappan

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor (C.B.I).

COMMON JUDGMENT

On 21.05.2010, based on the complaint received from the AGM, Union Bank of India, Regional Office, Salem, the Superintendent of Police, CBI at Chennai registered a case in Crime No.RC MA1 2010 A 0022 against 10 named accused and others for offences under Section 120B r/w 420, 409, 467, 468 r/w 471 IPC and Sections 13(2) r/w 13(1)(d) of PC Act.

2. The gist of the complaint was that during the period between 12.02.2008 and 14.12.2008, Shri V.Kannan while serving as Branch Manager, Union Bank of India, Thiruvannamalai, Shri R.Vijayan, an agent for tractor dealers and various firms with the connivance of each other entered into a criminal conspiracy with an intent to cheat the Union Bank of India, Thiruvannamalai Branch in the matter of sanctioning agricultural and



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crop loans etc. In pursuance of the conspiracy, Shri V.Kannan sanctioned and disbursed crop loans, pipe loans, etc., to an extent of Rs.101.38 lacs to the borrowers who were canvassed and brought by the agent and the dealers firm without adequate primary security and by accepting fake and fabricated documents. Thereby they caused a wrongful loss to a tune of Rs.109.22 lacs to the bank including interest as on 31.03.2010.

3. On completion of investigation, the Investigation Officer filed 8 separate final reports for each set of conspiracy and conspirators. The accused are Bank Manager, Traders/suppliers, facilitators and borrowers. These 8 final reports were taken cognizance by the Trial Court and assigned C.C.No.4 of 2012 to C.C.No.11 of 2012.

4. In C.C.No.5 of 2012, the final report is against 9 accused. Six persons named in the FIR were not sent for trial, since the final report does not pertain to their act in this case. The investigation has disclosed that V.Kannan (A1), while working as Branch Manager of Tiruvannamalai Branch sanctioned 3 Power Tiller loans to C.Seenuvasan (A7), C.Rani (A8) and M.Palani (A9) through M/s.Sakthivel Engineering Works represented by



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its owner R.Annamalai (A2) and M/s.Ramajayam Tractors represented by its Proprietor Nandhakumar (A3). The Manager S.Thangavinayagam (A4) and Salesman R.Vijayan @ Vijayakumar (A5) of M/s.Sri Ramajayam Tractors along with Smt.P.Anjana business facilitator had all joined together and conspired to cheat Union Bank of India and pursuant to the conspiracy under the guise of purchasing Power Tillers, Revenue records like copies of adangal, valuation certificate, extracts of FMB sketch, Encumbrance Certificate were fabricated. Enclosing these fabricated document along with the loan application to Union Bank of India, Tiruvannamalai Branch, A1, Manager of the Bank sanctioned loan of Rs.2,50,000/- to C.Seenuvasan (A7). The documents accompanied were fabricated by A4 & A5 and produced by A7 for the loan. R.Annamalai (A2) is the Proprietor of M/s.Sakthivel Engineering Works. He without any intention to effect the sale of power tiller and not an authorised dealer, had falsely issued quotation dated 09.07.2008 in the name of C.Seenuvasan (A7) quoting cost of vehicle Rs.1,30,000/-, implements Rs.1,20,000/- and groundnut cultivated - Rs.50,000/-. The said quotation written by R.Vijayan @ Vijayakumar (A5) and signed by R.Annamalai (A2). Without proper processing and



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verification, A1 sanctioned the loan on 09.07.2008. A pay order of Rs.2,50,000/- was issued in favour of M/s.Sakthivel Engineering Works and the Crop loan of Rs.50,000/- was credited in the account of C.Seenuvasan (A7). V.Kannan (A1) did not register the memorandum of deposit of title deed. With the loan amount, C.Seenuvasan (A7) with connivance of A2, A3 & A4 had purchased a Tractor from M/s.Sri Ramajayam Tractors in the name of his father Chinnaiyan. Thus, S.Nandakumar, the proprietor of M/s.Sri Ramajayam Tractors arrayed as A3 and his Manager S.Thangavinayagam as A4 and R.Vijayan @ Vijayakumar as A5 along with the facilitator P.Anjana (A6).

5. Similarly, loan in the name of C.Rani (A8) was sanctioned by A1 based on the documents fabricated by A4 & A5. Without any intention to effect sale of Power Tiller, R.Annamalai, Proprietor of M/s.Sakthivel Engineering Works had given quotation dated 12.07.2008 in the name of C.Rani (A8) for a sum of Rs.3,00,000/- (cost of vehicle Rs.1,30,000/-, implements Rs.1,20,000/- and groundnut cultivated – Rs.50,000/-). The quotation is filed in the handwriting of R.Vijayan @ Vijayakumar (A5) signed by A2-R.Annamalai, Proprietor of the Company. The loan amount



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instead of used for purchase of Power Tiller, being used to purchase a Tractor through M/s.Sri Ramajayam Tractors in the name of Chinnaiyan, husband of C.Rani (A8). For the said purpose, by diverting the fund and purchasing the Tractor in the name of 3rd party, Union Bank of India being cheated. The money borrowed not paid by C.Seenuvasan and his mother C.Rani. The Tractor purchased in the name of Chinnaiyan from M/s.Sri Ramajayam Tractors could not be secured for the loan sanctioned in the name of C.Seenuvasann (A7) and his mother C.Rani (A8).

6. The 3rd instance of cheating regarding Power Tiller loan sanctioned to M.Palani (A9) is on the application of A9 dated 21.11.2008 for a sum of Rs.2,00,000/- for purchasing Power Tiller. R.Vijayan @ Vijayakumar (A5), who filled up the application, forged the land documents like adangal, manual chitta, valuation certificate, extracts of FMB sketch and signature of VAO of Vedandhavadi Village. R.Annamalai (A2), the Proprietor of M/s.Sakthivel Engineering Works, without any intend to effect sale of Power Tiller, without being an authorised dealer, had issued a quotation dated 21.11.2008 in the name of M.Palani for a sum of Rs.2,50,000/- (cost of vehicle Rs.1,30,000/-, implements Rs.1,20,000/-). The quotation filed in the



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handwriting of R.Vijayan @ Vijayakumar (A5) and signed by R.Annamalai (A2), Proprietor of M/s.Sakthivel Engineering Works. Without proper processing of the application and pre and post sanction report, loan was sanctioned by V.Kannan (A1) on 26.11.2008 by a pay order dated 26.11.2008 for a sum of Rs.2,50,000/- in favour of M/s.Sakthivel Engineering Works. M.Palani (A9) had not purchased the Power Tiller though a Memorandum of title deed was created by A1, which was not registered.

7. The Trial Court, based on the above information collected in the course of the investigation, framed 7 charges. By the time charges framed and read over to the accused, S.Nandakumar (A3), Proprietor of M/s.Sri Ramajayam Tractors and Thangavinayagam (A4), Manager of M/s.Sri Ramajayam Tractors were discharged. Based on the material, charge was framed in C.C.No.5 of 2012 on 29.12.2017 for the following offences:-

A1	U/s.(i) 120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C Act, (ii) 420 IPC, (iii) 13(2) r/w 13 (1) (d) of PC Act & (iv) 409 IPC
A2	U/s.(i) 120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C Act (ii) 420 IPC.
A5 to	U/s.(i) 120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section



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A1	U/s.(i) 120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C Act, (ii) 420 IPC, (iii) 13(2) r/w 13 (1) (d) of PC Act & (iv) 409 IPC
A9	13(2) r/w 13(1)(d) of P.C Act, (ii) 420 IPC, (iii) 467 IPC, (iv) 468 IPC (v) 471 r/w 468 IPC

8. To prove the charges, the prosecution examined 18 witnesses and marked 74 exhibits. On the side of the defence, one witness and 5 exhibits were marked. 3 documents were marked as Court exhibits.

9. The Trial Court, on appreciation of evidence, held the accused guilty and sentenced them as under:-

<i>Name of the accused</i>	<i>Charges</i>	<i>Punishment</i>
A1	U/s.120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C Act	To undergo 4 years R.I and fine of Rs.10,000/-, in default to undergo 1 year S.I.
	U/s.420 IPC	To undergo 4 years R.I., and fine of Rs.10,000/-, in default to undergo 1 year S.I
	U/s.13(2) r/w 13(1) (d) of P.C. Act	To undergo 4 years R.I., and fine of Rs.10,000/-, in default to undergo one year S.I
	U/s 409 IPC	To undergo 4 years R.I and fine of Rs.10,000/- in default to undergo one year S.I
A2	U/s.120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and	To undergo 4 years R.I and fine of Rs.10,000/-, in default to



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<i>Name of the accused</i>	<i>Charges</i>	<i>Punishment</i>
	Section 13(2) r/w 13(1)(d) of P.C.Act	undergo one year S.I.
	U/s.420 IPC	To undergo 4 years R.I., and fine of Rs.10,000/-, in default to undergo one year S.I.
A5	U/s.120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C.Act	To undergo 4 years R.I and fine of Rs.10,000/-, in default to undergo one year S.I.
	U/S.420 IPC	To undergo 4 years R.I and fine of Rs.10,000/-, in default to undergo one year S.I
	U/S 467 IPC	To undergo 4 years R.I and fine of Rs.10,000/-, in default to undergo one year S.I
	U/S 468 IPC	To undergo 4 years R.I and fine of Rs.10,000/-, in default to undergo one year S.I
	U/S 471 R/W 468 IPC	To undergo 4 years R.I and fine of Rs.10,000/-, in default to undergo one year S.I
A6	U/s.120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C.Act	To undergo one year R.I and fine of Rs.1,000/-, in default to undergo 3 months S.I.
	U/S.420 IPC	To undergo 1 year R.I and fine of Rs.1,000/-, in default to undergo 3 months S.I
	U/S 467 IPC	To undergo 1 year R.I and fine of Rs.1,000/-, in default to undergo 3 months S.I
	U/S 468 IPC	To undergo 1 year R.I and fine of Rs.1,000/-, in default to undergo



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<i>Name of the accused</i>	<i>Charges</i>	<i>Punishment</i>
		3 months S.I
	U/S 471 R/W 468 IPC	To undergo 1 year R.I and fine of Rs.1,000/-, in default to undergo 3 months S.I
A7 to A9	U/s.120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C.Act	To undergo each 1 year R.I and fine of Rs.1,000/- each, in default 3 months S.I each.
	U/s. 420 IPC	To undergo each 1 year R.I and fine of Rs.1,000/- each, in default 3 months S.I each.
	U/S 467 IPC	To undergo each 1 year R.I and fine of Rs.1,000/- each, in default 3 months S.I each.
	U/S 468 IPC	To undergo each 1 year R.I and fine of Rs.1,000/- each, in default 3 months S.I each.
	U/S 471 r/w 468 IPC	To undergo each 1 year R.I and fine of Rs.1,000/- each, in default 3 months S.I each.

10. Being aggrieved by the above conviction and sentence, the following appeals filed:-

1. CrI.A.No.674/2018 by R.Annamalai (A2)
2. CrI.A.No.682/2018 by R.Vijayan @ Vijayakumar (A5)



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3. CrI.A.No.739/2018 by V.Kannan (A1)

4. CrI.A.No.745/2018 by C.Seenivasan, C.Rani & M.Pazhani
(A7, A8 & A9)

5. CrI.A.No.748/2018 by P.Anjana (A6)

11. The sum and substance of the arguments placed by the learned counsels appearing for the appellants is that there was no dishonest intention in the loan transactions. There was no meeting of mind between the Bank Manager, supplier and borrowers to dishonestly cheat the Union Bank of India, Tiruvannamalai Branch. The departmental proceedings initiated against V.Kannan (A1) ended in exoneration. The loans sanctioned to these three borrowers were recovered and form part of the defence exhibits as well as the Court exhibits. However, the Trial Court failed to consider the fact that there was no mis-utilization of fund and there is no misconduct on the part of A1 to convict him under Section 13(2) r/w 13(1) (d) of PC Act and 409 IPC, besides the charge of conspiracy and cheating.

12. The learned counsel appearing for V.Kannan (A1) submitted that the Trial Court failed to note that the purchase of Tractor in the name of Chinnaian, who is the father of C.Seenuvasan (A7), the husband of C.Rani (A8), was an internal arrangement conceived between the supplier and the



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borrower, which was not brought to the notice of the Bank. Having furnished the loan documents sanction for purchase of Power Tiller was granted to C.Seenuvasan (A7) and C.Rani (A8) independently. Only after being satisfied that the Power Tillers were supplied to these two loanees by Proprietor of M/s.Sakthivel Engineering Works, the loan was sanctioned. Before the Trial Court, CBI has not placed all the loan documents collected. The selective production of document has prejudiced the accused.

13. A1-V.Kannan, Manager of Union Bank of India, claims that the Registration of Power Tiller is not a mandatory requirement under the Motor Vehicles Act. There is no manipulation of document or violation of Banking Regulations in these 3 loans. The loan file, which is in a form of booklet has not been placed before the Court for proper appreciation of evidence. The photographs of the Power Tiller and sticker of the Bank indicating the Power Tiller is hypothecated to the Union Bank of India, were all available in the loan file. There is no allegation of pecuniary benefit or illegal gratification received by the Bank Manager for sanctioning the loan and the loan being repaid by the individuals and no loss to the Bank in any manner. The title deed of the property offered for mortgage are all genuine and there is no



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allegation of accepting fake sureties. Only after getting proper legal opinion from the Panel Advocate, loans were sanctioned and Pay Order was issued to the dealer, who has supplied the Power Tiller, the invoice of the sale is in the loan file. The Trial Court failed to take note of the fact that it will take three months time for the dealer to supply and the borrowers had sufficient time to repay the due, but even before expiry of the loan period. A criminal prosecution was launched based on the complaint from AGM alleging irregularity in the loan portfolio.

14. The learned counsel appearing for the dealer (A2) submitted that based on the order placed by A7 to A9, A2 supplied Power Tillers and the money was paid by the Bank. The sale is fully supported by documents and form part of the loan file. There was no dishonest intention in the transaction or criminal conspiracy between the Banker and the borrower. The appellant had supplied the Power Tiller for the money received and there is no dishonest intention of cheating either the Bank or the borrowers. The Court document Ex.C1, which is a statement of account maintained by Union Bank of India, clearly shows that there is no due payable by the borrowers (A7 to A9). All the loans sanctioned based on valid document were repaid and the



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evidence of VAO and the handwriting expert are inadmissible in evidence, since they have spoken about certain facts based on the evidence collected illegally. It is a misconception of law and fact that Engine number and Chasis number of the Power Tiller not mentioned in the loan document and therefore, the claim of sale of Power Tiller by A2's firm M/s.Sakthivel Engineering Works is false. There is no statutory requirement to register the Power Tiller at RTO Office, since they are used exclusive for agricultural purpose. The non-registration of the vehicle and omission to insure the vehicle is wrongly presumed to arrive at an erroneous conclusion that there was no real sale of Power Tiller by A2 to A7 to A9. The invoice produced by A2 is genuine and the same is reflected in Sale tax return and therefore, the Trial Court finding is erroneous.

15. As far as R.Vijayan @ Vijayakumar (A5), who assisted the borrowers to avail loan by filling up the application and other documents, it is contended that opinion of PW16-Handwriting Expert is not the conclusive proof. The specimen signature of this accused alone was obtained for comparison. There was no illegal gratification or exchange of intention between these accused and the Bank officials and therefore, he cannot be



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convicted for offence of conspiracy or cheating. The evidence not properly recorded. The loan amounts having been paid. When there is no pecuniary loss to the Bank, the conviction is not sustainable.

16. The borrowers, who are the appellants in CrI.A.No.745 of 2018 contended that there is no illegality or dishonestly in the loan transaction. The original title deed of a property handed over to the Bank, though no equitable mortgage or Memorandum of deposit of title deed registered in the Registration Office, the effect of deposit of title deeds and security over the loan is one and the same. Therefore, there is no proof for the allegation of forgery as far as the title deed is concerned and regarding the other Revenue documents, the prosecution has not proved that those documents are forged or fabricated. Regarding the finding of the Trial Court about the Revenue documents, it is contended by the counsel that the evidence of PW13 is not a reliable evidence and he is not competent person to speak about the adangal and other Revenue documents issued by other VAO of the village.

17. The learned Special Public Prosecutor appearing for CBI submitted that it is the clear case of sanction of loan without proper document and to ineligible borrowers and allowing them to divert the loan



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amount for the purpose other than which loan was granted. Referring the deposition of Mr.D.Kathiresan (examined as PW3), who had narrated the stage of processing Power Tiller loan and pre sanction inspection to be conducted by the Branch Manager and verify the dealership of the Power Tiller supplier and the quotation had specifically deposed that in the case of three loans sanctioned to A7 to A9, the Branch Manager has failed to conduct physical verification of the Power Tiller, the identification of the Power Tiller by the Engine number and Chasis number not done by him, in the bill, there is no reference about the Engine number and Chasis number. While the Bank Regulation mandates that vehicle should be registered and insured, A1 has totally ignored these mandatory requirements to enable the supplier to encash the loan amount given to A7 & A8 to utilize the money for purchasing a Tractor in the name of Chinnaiyan. Ex.P12-the loan application of A7 along with the adangal in the name of A7 issued by VAO, Kattumalayanur Village and valuation report obtained from VAO proved to be a fake document. No bills and receipts for the purchase of Power Tiller and two implements available in the loan file. No insurance copy, RC book retained by the Bank as lane over the loan. No post inspection report by the



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Branch Manager available in the file though the Memorandum of title deed available in the file, it is not registered with SRO. Similar defects found in the loan file of C.Rani (marked as Ex.P13) and loan file of M.Palani (marked as Ex.P14). Therefore, the learned Special Public Prosecutor (CBI) submitted that it is a clear case of cheating by the borrowers in connivance with the Bank Manager and the supplier well proved by the prosecution and therefore, the Trial Court judgment is to be confirmed.

18. Heard both sides. Records perused.

19. The documents relied by the prosecution proves that A7 & A8 who applied for loan to purchase Power Tiller through M/s.Sakthivel Engineering Works, had not purchased Power Tillers. They admit with the loan amount purchased a Tractor in the name of Chinnaiyan. The prosecution documents proved that Tractor purchased by Chinnaiyan from loan availed by a Bank and the supplier is M/s. Sri Ramajayam Tractors. The owners of the two firms namely M/s.Sakthivel Engineering Works as well as M/s.Sri Ramajayam Tractors knowingly had facilitated the fraudulent transaction. For the said purpose, fake invoice for Power Tiller and fabricated revenue documents produced.



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20. In the case of loan sanctioned to A9 M.Palani, no Power Tiller sold and delivered. The documents which as indication of genuine transaction like invoice, delivery note, hypothecation of the vehicles with details of Engine number and Chasis number, photograph of the vehicle with displaying it is hypothecated to Union Bank of India are all missing in the loan file.

21. The reasoning for missing crucial documents, not sufficiently explained by the accused. Therefore, the conviction of the accused by the Trial Court for cheating by forgery is to be upheld.

22. As far as the sentence, taking note of the fact, the loan amount repaid under One Time Settlement scheme is modified as below:-

<i>Name of the accused</i>	<i>Charges</i>	<i>Punishment</i>
A1	U/s.120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C Act	To undergo 2 years S.I and fine of Rs.10,000/-, in default to undergo one year S.I.
	U/s.420 IPC	To undergo 2 years R.I., and fine of Rs.10,000/-, in default to undergo one year S.I
	U/s.13(2) r/w 13(1) (d) of P.C. Act	To undergo 2 years S.I., and fine of Rs.10,000/-, in default to undergo one year S.I
	U/s 409 IPC	To undergo 2 years S.I and fine of Rs.10,000/- in default to



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<i>Name of the accused</i>	<i>Charges</i>	<i>Punishment</i>
		undergo one year S.I
A2	U/s.120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C.Act	To undergo 2 years S.I and fine of Rs.10,000/-, in default to undergo one year S.I.
	U/s.420 IPC	To undergo 2 years S.I., and fine of Rs.10,000/-, in default to undergo one year S.I.
A5	U/s.120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C.Act	To undergo 2 years S.I and fine of Rs.10,000/-, in default to undergo one year S.I.
	U/S.420 IPC	To undergo 2 years S.I and fine of Rs.10,000/-, in default to undergo one year S.I
	U/S 467 IPC	To undergo 2 years S.I and fine of Rs.10,000/-, in default to undergo one year S.I.
	U/S 468 IPC	To undergo 2 years S.I and fine of Rs.10,000/-, in default to undergo one year S.I
	U/S 471 R/W 468 IPC	To undergo 2 years S.I and fine of Rs.10,000/-, in default to undergo one year S.I
A6	U/s.120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C.Act	To undergo one year S.I and fine of Rs.1,000/-, in default to undergo 3 months S.I.
	U/S.420 IPC	To undergo 1 year R.I and fine of Rs.1,000/-, in default to undergo 3 months S.I
	U/S 467 IPC	To undergo 1 year S.I and fine of Rs.1,000/-, in default to undergo



Criminal Appeal Nos.674, 682, 739, 745 & 748 of 2018

<i>Name of the accused</i>	<i>Charges</i>	<i>Punishment</i>
		3 months S.I
	U/S 468 IPC	To undergo 1 year S.I and fine of Rs.1,000/-, in default to undergo 3 months S.I
	U/S 471 R/W 468 IPC	To undergo 1 year S.I and fine of Rs.1,000/-, in default to undergo 3 months S.I
A7 to A9	U/s.120(B) r/w 409 IPC, 420, 467, 468 & 471 IPC and Section 13(2) r/w 13(1)(d) of P.C.Act	To undergo each 1 year S.I and fine of Rs.1,000/- each, in default 3 months S.I each.
	U/s. 420 IPC	To undergo each 1 year S.I and fine of Rs.1,000/- each, in default 3 months S.I each.
	U/S 467 IPC	To undergo each 1 year S.I and fine of Rs.1,000/- each, in default 3 months S.I each.
	U/S 468 IPC	To undergo each 1 year S.I and fine of Rs.1,000/- each, in default 3 months S.I each.
	U/S 471 r/w 468 IPC	To undergo each 1 year S.I and fine of Rs.1,000/- each, in default 3 months S.I each.

23. As far as A1 (V.Kannan) and A5 (Vijayan @ Vijayakumar), the period of sentence shall run concurrently with the period of sentence imposed in C.C.No.4 of 2012 as modified in CrI.A.No.740 of 2018 and CrI.A.No.680 of 2018 respectively. The period of imprisonment already undergone shall be set off under Section 428 Cr.P.C.



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Criminal Appeal Nos.674, 682, 739, 745 & 748 of 2018

Dr.G.JAYACHANDRAN, J

kmi

24. Accordingly, these Criminal Appeals are partly allowed. The judgment of conviction passed by the trial Court in C.C.No.5 of 2012 by XI Additional Special Judge, (CBI cases), is hereby confirmed. The Trial Court is directed to secure the custody of the accused to undergo the remaining period of imprisonment.

10.10.2023

Index :Yes/No.

Speaking order/non speaking order

Neutral Citation Case: Yes/No.

kmi

To:-

- 1.The XI Additional Special Judge for CBI Cases,
Chennai.
- 2.The Inspector of Police,
CBI, ACB, Chennai.
- 3.The Special Public Prosecutor,
High Court, Madras.

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& 748 of 2018**