

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.UBAID

MONDAY, THE 12TH DAY OF OCTOBER 2015/20TH ASWINA, 1937

CRL.A.No. 217 of 2004 (E)

**AGAINST THE JUDGMENT IN CC NO.28/1999 OF THE COURT OF THE ENQUIRY
COMMISSIONER & SPECIAL JUDGE, KOZHIKODE, DATED 20.01.2004**

APPELLANT(S)/ACCUSED :-

**M.RADHAKRISHNAN NAIR,
AGED 59, S/O.MADHAVAN PILLAI, T.C.25/2782,
AMBUJAVILASAM ROAD
THIRUVANANTHAPURAM
(PREVIOUSLY ASSISTANT
DIRECTOR OF AGRICULTURE, PERAMBRA)**

**BY ADVS.SRI.B.RAMAN PILLAI
SRI.GEORGE PHILIP
SRI.R.ANIL
SRI.RAJU RADHAKRISHNAN
SRI.ANIL K.MOHAMMED
SRI.DELVIN JACOB MATHEWS**

RESPONDENT(S)/COMPLAINANT :-

**STATE, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.**

R BY SMT.SHEEBA M.T., PUBLIC PROSECUTOR

**THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 12-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

P.UBAID, J.

=====
Crl.Appeal No.217 of 2004
=====

Dated this the 12th day of October, 2015

ORDER

This is an appeal challenging a conviction and sentence under Section 13(2) read with Section 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, and under Sections 409, 467 and 477A IPC. Pending this appeal, the appellant died on 03.04.2011 in Dubai. The learned Public Prosecutor has produced a copy of the death certificate, and also a copy of the report of the Village Officer that the deceased has not left any movable or immovable property. The sentence imposed by the trial court involves fine sentence also, but in view of the Village Officer's certificate, there is no scope to proceed further for realisation of fine when the deceased has not left any movable or immovable property. Accordingly, this appeal will stand abated under Section 394(2) Cr.P.C.

Sd/-

**P.UBAID
JUDGE**

rkj

//TRUE COPY//

P.A. TO JUDGE