Bail Slip

1. The appellant/Accused namely V. Palanivel, S/o. Vaithilingam, 2. S. Thirumurthy, S/o. Sri Sivakumar, were directed to be released on bail as per the order of this court dated 27.5.2009 and made in MP.No.1/09 in C.A.272/01 on the file of this Court, and the

2. The appellant/Accused namely J.S. Prabhu, S/o. John Samvel was directed to be released on bail as per the order of this court dated 11.6.2009 and made in Crl.MP.1/09 in CA.297/09 on the file of this court.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date of Reserving Judgment 20.12.2017	Date of Pronouncing Judgment 23.01.2018

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Appeal Nos.272, 284 and 297 of 2009

1.V.Palanivel
2.S.Thirumurthy ..Appellants in Crl.A.272 of 2009

D.Gunasekaran ..Appellant in Crl.A.284 of 2009

J.S.Prabhu ..Appellant in Crl.A.297 of 2009

versus

State by Inspector of Police,
SPE, CBI, ACB, Chennai.
..Respondent in Crl.A.272, 284 of 2009

State represented by
The Inspector of Police,
Special Police Establishment,
Central Bureau of Investigation
Anti-Corruption Branch,
3rd Floor, Shastri Bhavan,
Haddows Road, Nungambakkam,
Chennai - 600 006.
R.C.No.30(A)/2002
..Respondent in Crl.A.297 of 2009

PRAYER in Crl.A.No.272 of 2009: Criminal Appeal filed under Section 374(2) of Criminal Procedure Code against the Judgment/Conviction and Sentence dated 19.05.2009 made in C.C.No.64 of 2004 passed by Learned XI Additional Judge for CBI Cases, Chennai, in so far as the Appellants/A2 and A4 are concerned.

PRAYER in Crl.A.No.284 of 2009: Criminal Appeal filed under Section 374(2) of Criminal Procedure Code against the Judgment dated 19.05.2009 passed in C.C.No.64 of 2004 passed by Learned XI Additional Judge for CBI Cases, Chennai-1.

PRAYER in Crl.A.No.297 of 2009: Criminal Appeal filed under Section 374(2) of Criminal Procedure Code, 1973 and under Setion 27 of the Prevention of Corruption Act, 1988 against the Judgment of Conviction and sentence passed by the Learned XI Additional Special Judge for CBI Cases, Chennai -1 dated 19.05.2009 in C.C.No.64 of 2004.

For Appellants : Mr.V.Ramana Reddy
in Crl.A.272 of 2009
Mr.N.R.Anantha Ramakrishnan
in Crl.A.284 of 2009
Mr.A.V.Somasundaram for
M/s.Lakshmi Priya Associates
in Crl.A.297 of 2009

For Respondent : Mr.K.Srinivasan,
Special Public Prosecutor
for CBI Cases
in all appeals

COMMON JUDGMENT

These appeals are arising out of the conviction against the appellants passed by the learned XI Additional Judge, CBI Cases, Chennai dated 19.05.2009 in C.C.No.64 of 2004.

2. Brief facts leading to these appeals are as follows:

J.S.Prabhu[A1] while functioning as Branch Manager, in charge of Corporation Bank, Tambaram Branch, Sanatorium during the year 1999-2000, had conspired with Palanivel[A2], Gunasekaran[A3], Thriumurthy [A4], T.N.Ravi[A5] and D.Rajendran(died on 08.01.2006) pending trial to do illegal act of fabricating the records used it as genuine document and extent the loan in the name of M/s Super Cool AC Industries represented by its Proprietor Thirumurthy[A4] and thereby cheated the bank to the tune of Rs.3lakhs. In pursuant to the said conspiracy, the documents, such as title deed, chitta, patta, encumbrance certificate and valuation certificate were fabricated. A6[D.Rajedran] by impersonating himself as K.P.Rajendran, had signed as guarantor for the loan extended to non-existing firm M/s Super Cool AC Industries at No.3, TNHB Plot, Tambaram-Sanatorium and he had connivance with A2[Palanivel] produced valuation certificate for the property at S.No.251/2 at Uthukottai, which consists of 1400 sq.ft. A5[T.N.Ravi-Valuer] who is the appellant in Cr.A.No.269 of 2009 died on 08.01.2006. Hence, charges against him got abated.

3. Based on the complaint given by the Assistant Regional Manager, Shri.Sudhakar N.Bhat, CBI has taken up the investigation and has filed final report, which has been taken cognizance of offence by the trial Court under C.C.Nos.61 to 66 of 2009. Each case involves different loan transaction in the name of non-existing person or firm. The present appeals arise out of C.C.No.64 of 2004 with regard to CORP VYAPAR loan extended to M/s Super Cool AC Industries represented by its Proprietor Thirumurthy[A4].

4. The Specific charge against A1[J.S.Prabhu] is that he along with other accused has extended loan to M/s Super Cool AC Industries at No.3, TNHB Plot, Tambaram-Sanatorium, Chennai-45, which is a non-existing firm and the documents furnished along with the loan application are fabricated by A2 [V.Palanivel] and A3[D.Gunasekaran]. The rubber seal found in the patta, encumbrance certificate, house tax receipt, adangal are fake and the rubber seals were procured by A3 [D.Gunasekaran]through rubber stamp maker Mr.G.Panchacharam, who was examined as PW-15. A1[J.S.Prabhu] as Branch Manager ought to have conducted pre-sanction inspection and post-sanction inspection of the borrower premises as well as property shown as collateral security. But, he has failed to do so in order to extend the loan to the fictitious firm, which is not in existence at No.3, TNHB Plot, Tambaram-Sanaorium. The property shown as collateral security does not have a building upon it. However, A1[J.S.Prabhu] has accepted the house tax receipt, encumbrance certificate, patta and adangal as if the property stands in the name of K.P.Rajendran and the value of the property is to be accepted as collateral security. The deceased 6th accused [D.Rajendran] has impersonated himself as guarantor K.P.Rajendran and the same was not verified by A1[J.S.Prabhu] and he had not created equitable mortgage immediately at the time of disbursement of loan. Further, A1[J.S.Prabhu] has procured A2[Palanivel] to withdraw the entire loan amount sanctioned and credited into the account of M/s Super Cool AC Industries.

5. As far as A2[Palanivel] is concerned, he has arranged fake documents, fake guarantor and opened an account in the name of M/s Super Cool AC Industries by inducing one Mr.E.Chandra Mohan, for introducing the account. K.P.Rajendran[A6], who is the actual owner of the property bearing S.No.251/2 has been induced to part away the document by A3[Gunasekaran] and one Mr.Giri [deceased] on the promise that they will arrange loan for him. After obtaining the original title deed of K.P.Rajendran, the accused had misused the same for creating equitable mortgage without the consent of the title holder, but by impersonating. Instead of sanctioning the loan, stage by stage the entire loan amount of Rs.3 lakhs has been credited into the account of M/s Super Cool AC Industries representing its Proprietor Thirumurthy [A4] and A4[Thirumurthy] had allowed A2[Palanivel] to withdraw the money between 04.01.2000 to 08.01.2000. The loan

application[Ex.P10] which is accompanied with letter of proprietorship [Ex.P11], Statement of assets and liabilities [Ex.P13], Statement of assets and liabilities of K.P.Rajendran [Ex.P14], guarantee agreement[Ex.P20], arbitration agreement [Ex.P22], memorandum of deposit of title deeds alleged to have been signed by K.P.Rajendran were found to be forged documents. In order to sanction the loan of Rs.3 lakhs to the non-existing firm, the deceased accused T.N.Ravi had given valuation report as if the property shown as collateral security is worth of Rs.7 lakhs [Ex.P27] and it consists of land and building wherein the Village Administrative Officer of concerned jurisdiction Mr.E.Devaraj[PW-6] has deposed that there is no building in the said S.No.251/2 Kalaikaramanur village. Patta [Ex.P5], chitta[Ex.P6], house tax receipt [Ex.P7] were found to be forged documents.

6. The trial Court, based on the final report, had framed eight charges for the offences under Sections 120-B r/w 420, 406, 467, 468, 467 r/w 471, 468 r/w 471 IPC against all the accused and for substantial offence under Section 13(2) r/w 13 (1)(d) of the Prevention of Corruption Act, 1988 exclusively as against A1[J.S.Prabhu].

7. To prove the charge, the prosecution has examined 23 witnesses and marked 81 exhibits and M.O.1 and 2. In defence, 3 witnesses and 4 exhibits were marked. The trial Court, after considering the evidence placed before the Court had held guilty of the accused of all the charges and convicted them as under:

Rank of the accused	Conviction under Section	Sentence imposed by the trial Court
A1 to A5	Under Sections 120-B r/w 420, 419, 467, 467 r/w 471, 467, 467 r/w 471IPC and 13(2) r/w 13 (1)(d) of PC Act, 1988	To undergo RI for 2 years and to pay a fine of Rs.5,000/- i/d to undergo RI for 6 months
A4	Under Section 420 IPC	To undergo RI for 4 years and to pay a fine of Rs.5,000/- i/d to undergo RI for 6 months
A5	Under Section 467 and 467 r/w 471 IPC each	To undergo RI for 4 years each and to pay a fine of Rs.5,000/- i/ d to undergo RI for 6 months
A3	Under Section 467, 467 r/w 471 IPC each	To undergo RI for 4 years each and to pay a fine of Rs.5,000/- i/d to undergo RI for 6 months

Rank of the accused	Conviction under Section	Sentence imposed by the trial Court
A1	Under Section 13(2) r/w 13(1)(d) of PC Act, 1988	To undergo RI for 2 years and to pay a fine of Rs.5,000/- i/d to undergo RI for 6 months. The sentence imposed in C.C.Nos.61 to 63 of 2004 shall run concurrently along with the sentence imposed in this case.

8. Aggrieved by the judgment of the trial Court, A1 [J.S.Prabhu] has preferred appeal Crl.A.No.297 of 2009. It is contended by the appellant that there was only procedural irregularity in adhering to registration of the procedure and there was no dishonest intention on his part to cheat the bank and relied upon the judgment of the Hon'ble Supreme Court in C.Chenga Reddy v. State of A.P. Reported in 1996 Crl.L.J.3461 (SC). Further, he contended that the bank has recovered the entire loan and there is no due from the borrower. This fact has been spoken by DW1 and DW3. While so, taking note of the judgment reported in 1972 Cri.L.J.849[Union of India v. Major J.K.Khanna & Major I.C.Lal]. The trial Court ought to have been acquitted him, contrary to law and facts, the trial Court has erroneously convicted him. Hence, the trial Court judgment has to be set aside.

9. He further contended that the sanction for prosecuting him accorded by PW-1[Mr.B.R.Bhat] is non-est in law, invalid and void ab initio. The sanctioning authority has not applied his mind in prosecuting the appellant. The loan was sanctioned by the appellant after proper pre-sanction inspection and post-sanction inspection. The account of the borrower was opened with proper introduction and there was no default in payment by the borrower. The evidence of DW-1 [Mr.S.Jaganathan] and DW-3[Mr.Davis Jose Koola], who had deposed about the settlement of entire due, has not been taken into consideration by the trial Court. The loan was sanctioned by the appellant only after obtaining legal opinion from the panel lawyer of the bank and after creating equitable mortgage. Though there is no material to prosecute the appellant, the trial Court has erroneously held the appellant guilty.

10. Based on the handwriting expert opinion and the deposition of the postal employee, the trial Court has erroneously arrived at conclusion that the documents filed for availing the loan are forged documents and the borrower is non-existing entity. The opinion of the handwriting expert and the evidence of postal employee are every less evidentiary value and in the absence of corroborative materials evidence, the trial Court ought not to have held him guilty.

11. The judgments of the Hon'ble Supreme Court cited by the appellants were not given due consideration by the trial Court. On visitor report and diary maintained by the bank produced by the prosecution, the fact that the appellant had conducted pre-sanction inspection and post-sanction inspection could have come to light. The non production of these documents has caused grave prejudice to the appellant.

12. Palanivel[A2] and S.Thirumurthy[A4] are the appellants Crl.A.No.272 of 2009 submitted that there is no evidence to implicate them in the alleged conspiracy or cheating. The loan sanctioned by the bank is covered under the beneficial scheme introduced by the Union Government. The loan amount had been received and utilised for the lawful purpose applied for. Therefore, there is no illegality or irregularity in the manner and scope of applying and sanctioning the loan. Therefore, the charges are misconceived and fabricated for the purpose of implicating the appellants. The facts elucidated during the cross examination of the prosecution witnesses go to show that there was no impersonation or falsification of document whatsoever committed by these appellants. The outstanding loan amount having been paid, the charge of deception and cheating has no legs to stand. Therefore, the judgment of the trial Court is liable to be set aside.

13. D.Gunasekaran[A3], who is the appellant in Crl.A.No.284 of 2009 has submitted on the ground that the trial Court has erred in concluding that the appellant is part of the alleged criminal conspiracy and he has forged the chitta and adangal produced by A4[Thirumurthy] for availing the loan. For the said purpose, the trial Court has relied upon the evidence of PW-15[Mr.G.Panchacharam], who is a tutor witness produced by the prosecution, without recovery of the fake government seal and stamps alleged to have been used to forge the documents, merely based on the uncorroborated witness of rubber stamp maker [PW-15], who has spoken about the incident took place between 1993 and 1994, after much lapse of time, is unreliable and not credit worthy.

14. The trial Court, without appreciating the inherent defects in the prosecution case, had relied upon the opinion of the hand writing experts to hold that the documents were forged by the appellants. The evidence of PW-17 [K.P.Rajendran], who stood guarantor for the loan transaction, but had turned topsy-turvy when CBI has started enqiring him, is not a credit worthy witness. Despite the lacuna in the prosecution case, the trial Court has convicted the appellant. Hence, it is liable to be set aside.

15. Learned Special Public Prosecutor for CBI Cases appearing for the respondent would submit that loan of Rs.3 lakhs sanctioned to M/s Everest Super Cool AC Industries alleged to have been carrying on business at No.3 TNHB FIZ, Tambaram-Sanatorium is a fraudulent transaction pursuant to

the conspiracy hatched by A1[J.S.Prabhu] Manager of UCO Bank, A2[Palanivel], A3[Gunasekaran], A4[Thirumurthy] and other persons. Pursuant to the said conspiracy, loan has been sanctioned to non- existing firm by name M/s Everest Super Cool AC Industries based on the application made in the name of A4[Thirumurthy]. For the said loan, one K.P.Rajendran had been shown as guarantor and his property has been deposited as collateral security. The prosecution has proved that the document which stands in the name of K.P.Rajendran was not produced by K.P.Rajendran but had been misappropriated by A6 [D.Rajendran(deceased)] and he had forged signatures of K.P.Rajendran in the loan application and other documents. This fact of impersonation and forgery is proved through K.P.Rajendran[PW-17] and corroborated by the evidence of hand writing expert and other documents. Thus, by production of fabricated document as genuine, A6[D.Rajendran] had induced the UCO Bank to sanction loan of Rs.3 lakhs. A1[J.S.Prabhu] being Branch Manager in connivance with A6[D.Rajendran] and others without making proper verification of the genuineness of the borrower and the documents furnished by him had sanctioned the loan taking fabricated documents as genuine. The non existence of the firm by name M/s Super Cool AC Industries, No.3 TNHB Plot, Tambaram-Sanatorium had been proved through the postman of that area PW-4[Mr.A.Kalyana Sundaram], Commissioner of Tambaram Municipality and Commercial Tax Officer[CTO] of that area. Forgery and fabrication of the documents given in support of sanctioning the loan has been spoken by PW-17[K.P.Rajendran] and the handwriting expert. One Mr.Panchacharam[PW-15] had implicated A3[Gunasekaran], who had prepared the fake rubber seal, used it for fabricating chitta and adangal which have been produced by A4[Thirumurthy] along with the loan application. Thus, the prosecution has proved guilt of the accused to the Court and therefore, mere repayment of the loan amount subsequent to launching of prosecution will not exonerate the appellants for the crime of impersonation, forgery, fabrication of documents and using the fabricated documents as genuine. Thus, the appellants are liable to be punished. Therefore, the trial Court had rightly found them guilty and sentence them to undergo Rigorous Imprisonment for various charges for various period. There is no error in the judgment of the trial Court. Hence, these appeals are liable to be dismissed.

16. Heard the learned counsel appearing for the respective appellants and the learned Special Public Prosecutor appearing for CBI Cases and perused the records.

17. Point for consideration:

> Whether there is any error in the judgment of the trial Court?

18. It is an admitted case by the appellants that based on the loan application[Ex.P10], a sum of Rs.3lakhs had been sanctioned and credited into the account of M/s Super Cool AC Industries. Loan application[Ex.P10] in the name of M/s Super Cool AC Industries, No.3, TNHB FTZ, Tambaram-Sanatorium is dated 03.01.2000. The application is made in the name of Thirumurthy[A4], S/o Sivakozhundu. One K.P.Rajendran is shown as guarantor and his property consists of land and building at Kakavakkam village, is shown as collateral security. Signature of K.P.Rajendran is also found in the said application. Along with the application [Ex.P10], the borrower has submitted title deed in the name of K.P.Rajendran, Kakavakkam, which is marked as Ex.P3. As per this document, K.P.Rajendran is the title holder of 0.20 cents land in S.No.251/2 Kizhikaramannurkandigai village, Uttukottai Taluk. [Ex.P4] encumbrance certificate, [Ex.P5]patta, [Ex.P6] chitta, [Ex.P7] house tax receipt are the enclosure to the loan application.

19. From the evidence of PW-6 [Mr.E.Devaraj], who is the Village Administrative Officer of the concerned village, this Court could find that Ex.P41 is the original chitta for S.No.251-2, Ex.P42 is the original adangal. Whereas Exs.P5 and P6 are fabricated documents. The house tax receipt marked as [Ex.P7] is annexed with loan application submitted by A4 [Thirumurthy]. It is established by the prosecution through the house tax receipt Sl.No.15279 and the same had been utilized by these accused persons for other loans showing it has house tax receipts of different property. From the evidence of PW-22[Mr.P.Vijaya Shankar], whose opinion is marked as Ex.P66, it is proved through prosecution that the signature of K.P.Rajendran in the loan applications[Ex.P10] and Ex.P12 and statement of assets and liabilities [Ex.P14], guarantee agreement [Ex.P20], memorandum of deposit of title deed [Ex.P25] are forged by D.Rajendran[A6] and they have not been signed by K.P.Rajendran. This fact is spoken by K.P.Rajendran himself, who has been examined as PW-17, he has identified the signature in Exs.P10, P12, P14,P20, P25 perpetrated to have been signed by him but not really signed by K.P.Rajendran[PW-17].

20. Therefore, the contention raised by the appellants that the trial Court solely based on evidence of handwriting expert held them guilty is not correct. In fact, the person who perpetrated to have been signed the documents himself has deposed before this Court and identified those signatures are not his signatures but forged signatures. Therefore, it is proved beyond doubt that the signatures found in the above said documents are not genuine signatures and some one else have forged and impersonated as K.P.Rajendran. The title deed of K.P.Rajendran has been misused to avail the loan. At the time of creating the mortgage, K.P.Rajendran has been impersonated by the accused A6[D.Rajendran(died)]. A1 [J.S.Prabhu] ensured the creation of equitable mortgage immediately after sanctioning the loan but had done it later

and not in consonance with the procedure of the bank. This fact has been spoken by PW-16[Mr.E.A.Venkateswara Pai]. The prosecution has established the fact that M/s Super Cool AC Industries is a non existing industry.

21. The evidence of PW-4[Mr.A.Kalyana Sundaram] Postman of Tambaram-Sanatorium area had deposed that No.3 TNHB Plot, Tambaram-Sanatorium falls within his area and there is no such company by name M/s Super Cool AC Industries in that area. The letter addressed to M/s Super Cool AC Industries could not be delivered and the same has been returned as 'no such addressee'. This document is marked as Ex.P8. While the loan of Rs.3 lakhs has been sanctioned to non-existing firm by A1 [J.S.Prabhu], based on fake documents produced by A4 [Thirumurthy], the sanctioned amount had been credited into the account of M/s Super Cool AC Industries vide C.No.470. A4 [Thirumurthy] had signed blank cheques and handed over it to A2[Palanivel], who had used those blank cheques to withdraw the money in his name and also to draw Demand Drafts to pay Sky Blue Travels and VKC Credit Forex Service Pvt.Ltd., for purchase of air travel tickets and foreign currency. The cheques pertaining to withdrawal of money credited into the account of M/s Super Cool AC Industries as spoken by PW-9 [Hemalatha], PW-10 [Tmt.E.Geetha], PW-11[Mr.T.R.Venkataraman], PW-12[Mr.A.Jamal Hussain] and PW-14[Malarvizhi Christopher] are marked during the relevant point of time. Statements of account in respect of M/s Super Cool AC Industries is marked as Exs.P54 and P55. The misuse of the loan amount for purchase of air ticket and foreign currency is proved by the prosecution through the evidence of PW-8, who is the Deputy General Manager of VKC Credit and Foreign Exchange has identified. The letters given by A2 [Palanivel] in the name of Vijaya Textiles for issuance of foreign currency marked as Exs.P44, P47, P50, P52 followed by cash memo and sale receipts marked as Exs.P45, 4P6, P48, P51 and P53 go to show that from the loan amount, Demand Drafts have been drawn and the same has been used for purchase of air tickets and travellers cheques. By misusing the loan amount, at the instance of A2 [Palanivel], foreign exchange and air tickets have been purchased for use of R.Pugazhendhi and V.Sekar. A sum of Rs.40,000/- each had been withdrawn by V.Saravanan and S.Thirumurthy[A4].

22. Through the evidence let in by the prosecution the scheme of conspiracy hatched by the accused persons to avail the loan in the name of fictitious firm and make use of it for personal end is clearly proved. Though the appellants heavily rely upon the evidence of DW-1[Mr.S.Jaganathan] and DW-3 [Mr.Davis Jose Koola], who had spoken about the settlement of dues to the bank from the reading of their deposition, this Court arrive at a irresistible conclusion that after availing several loans in the name of fictitious persons by producing fabricated documents, A2[Palanivel], compromised with the bank under One Time Settlement Scheme(OTS) after initiation of

SARFAESI proceedings. For the loan covered in the criminal cases in C.C.Nos.61 to 66 of 2004, A2[Palanivel] has paid Rs.21.5 lakhs in toto.

23. Thus, it is palpably that A2[Palanivel] in connivance with A1[J.S.Prabhu] had availed loan for the purpose other than meant under the scheme. He had made use of his known persons and relatives for creating fictitious firm. With the help of A3[Gunasekaran] and A5[T.N.Ravi], fabricated documents had been used to open the accounts in the name of those fictitious firm and persons to avail loan. A1[J.S.Prabhu] instead of sanctioning the loan stage by stage had sanctioned the entire loan amount and credited the same in the account opened by A2[Palanivel]. Soon after crediting the documents in this account, A2[Palanivel] had withdrawn the money in the said scheme of conspiracy. All these accused along with A5 [T.N.Ravi/Valuer(died) pending appeal] and D.Rajendran[A6] impersonator as K.P.Rajendran had specific role and unlawful gain out of it. A3 [D.Gunasekaran] along with Giri(deceased) misrepresented K.P.Rajendran [PW-17] that if K.P.Rajendran part away with title deed, he can arrange for loan. Under the said false promise, he has taken the title deed of K.P.Rajendran with criminal intention and had misappropriated the documents for availing loan in the name of M/s Super Cool AC Industries represented by its Proprietor Thirumurthy[A4].

24. Apart from the evidence of PW-15[Mr.G.Panchacharam], rubber stamp maker, who had identified A3[D.Gunasekaran] as the person who has ordered to make the government seal and rubber stamps. The evidence of PW17[K.P.Rajendran] also fortify the case of the prosecution against A3[Gunasekaran] for overtact in impersonation and fabrication of documents. A2 [Palanivel] and A4[Thirumurthy[to cheat the bank had produced those fabricate documents to the bank. Hence, the Judgment of conviction dated 19.05.2009 made in C.C.No.64 of 2004 passed by Learned XI Additional Judge for CBI Cases, Chennai is hereby confirmed.

25. However taking note of the fact that the loan amount has been discharged subsequently by A2[Palanivel] under one time settlement, the period of imprisonment is modified as under:

Rank of the accused	Convicted by the trial Court under Section	Sentence imposed by the trial Court	Sentence modified by this Court
A1 to A5	Under Sections 120-B r/w 420, 419, 467, 467 r/w 471, 467, 467 r/w 471IPC and 13(2) r/w 13 (1)(d) of PC Act, 1988	To undergo RI for 2 years and to pay a fine of Rs.5,000/- i/d to undergo RI for 6 months	Remains unaltered

Rank of the accused	Convicted by the trial Court under Section	Sentence imposed by the trial Court	Sentence modified by this Court
A4	Under Section 420 IPC	To undergo RI for 4 years and to pay a fine of Rs.5,000/- i/d to undergo RI for 6 months	To undergo RI for 2 years. No change in the fine imposed by the trial Court.
A5	Under Section 467 and 467 r/w 471 IPC each	To undergo RI for 4 years each and to pay a fine of Rs.5,000/- i/ d to undergo RI for 6 months	To undergo RI for 2 years each. No change in the fine imposed by the trial Court.
A3	Under Section 467, 467 r/w 471 IPC each	To undergo RI for 4 years each and to pay a fine of Rs.5,000/- i/d to undergo RI for 6 months	To undergo RI for 2 years each. No change in the fine imposed by the trial Court.
A1	Under Section 13(2) r/w 13(1)(d) of PC Act, 1988	To undergo RI for 2 years and to pay a fine of Rs.5,000/- i/d to undergo RI for 6 months.	Remains unaltered

26. The sentence imposed by this Court shall run concurrently. So far as the accused viz., A1[J.S.Prabhu, A2 [Palanivel] and A3[Gunasekaran] are concerned, the sentences imposed on them in CC.No.61 of 2004 shall run concurrently along with the sentence imposed in this case(C.C.No.64 of 2004). The period of imprisonment already undergone is ordered to be set off under Section 427Cr.P.C.

27. In the result, with the above modification, these Criminal Appeals are disposed of.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ari

To

1.The Learned XI Additional
Special Judge for CBI Cases,
Chennai.

2.The Inspector of Police,
SPE, CBI, ACB, Chennai.

3.The Inspector of Police,
Special Police Establishment,
Central Bureau of Investigation
Anti-Corruption Branch,
3rd Floor, Shastri Bhavan,
Haddows Road, Nungambakkam,
Chennai - 600 006.

4. The Superintendent Central Prison,
Puzhal, Chennai.

5.The Special Public Prosecutor,
(CBI Cases), High Court, Madras.

Copy to: This Section Officer,
Criminal Section(Records)
High Court, Madras.

+ 1 cc to MR. N.R. Anantha Ramakrishanan, Advocate Sr.5582
+ 1 cc to M/s. Lakshmipriya, Advocate Sr.5348
+ 2 ccs to Mr.V. Ramana Reddy, Advocate Sr.5797

Crl.A.Nos.272,284 and 297 of 2009

SSI(CO)
EU(16/02/2018)