

Bail Slip

The Appellants/accused namely 1.UsmanAli @ Ibrahim S/o.Diwan Ali, 2.Aysha@ Sangeetha W/o.Usman Ali @ Ibrahim be and hereby are directed to released on bail vide court order dated 04/08/2003 in CMP 6939/2003 IN CRL.A.No.1139/2003.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2018

CORAM

THE HONOURABLE Mr. JUSTICE G.R.SWAMINATHAN

CRL.A.Nos.1139 of 2003 & 241 of 2006

1.UsmanAli @ Ibrahim

2.Aysha@ Sangeetha

.. Appellants

in Crl.A.No.1139 of 2003

1.S.A.Basha

2.Samsudeen

3.Sarfuddeen

4.Basheer

5.Abu Thahir

6.Jaffer Ali

7.Zahir Hussain @ Anus @ Ismail @ Usman Ali

8.Md.Basith @ Basith

9.Kutti @ Mohamed Ali Khan

10.Babu @ Amannulla

11.Kuniyamuthur Yusuf

12.Hakeem @ Haki @ Anwar @ Abu

..Appellants

in Crl.A.No.241 of 2006

.Vs.

State

Represented by

The Inspector of Police,
CB CID, SIT, Chennai.

.. Respondent

in Crl A Nos.1139/2003 & 241/2006

(In Cr.No.741/98 of R.2 Kodambakkam P.S.
And a consolidated charge sheet was filed
in respect of B.6. Tambaram P.S.
C.R.116/98, G.1, Vepery P.S.Cr.No.327/98,
D.1, Poonamallee P.S. Cr.No.192/98)
Prayer in Crl.A.No.1139 of 2003

Criminal Appeal filed under section 374 of the Code of Criminal Procedure, to set aside the conviction and sentence imposed on the appellants herein (A.23, A.24) by the Trial Court of District and Sessions Judge Exclusive Trial for Bomb Blast cases at Poonamallee dated 27.01.2003 in S.C.No.1 of 2001.

Prayer in Crl.A.No.241 of 2006

Criminal Appeal filed under section 374(2) of the Code of Criminal Procedure, to set aside the conviction and sentence imposed by the Court of District and Sessions Judge for Exclusive Trial of Bomb Blast cases at Poonamallee dated 27.01.2003 in S.C.No.1 of 2001.

For Petitioners: No Appearance(both appeals)

For Respondent : Mr.T.Shanmuga Rajeswaran (both appeals)
Government Advocate (Crl Side)

COMMON JUDGMENT

These appeals have been preferred by the accused in S.C.No.1 of 2001 on the file of the Special Court for Bomb Blast Cases at Poonamallee, Chennai dated 27.01.2003.

2.A23 and A24 who are convicted in S.C.No.1 of 2001 have filed Crl A.No.1139 of 2003. A1 to A6 and A8 to A12 have filed Crl.A.No.241 of 2006.

3.As many as 4 cases were registered on the file of the Kodambakkam R-2 Police Station, B6 Tambaram Police Station, D1 Poonamallee Police Station, in Cr.Nos.741/1998, 327/98 116/98, 192/98 respectively.

4.All these cases were consolidated and investigated by CBCID, Chennai. The prosecution case is that the accused herein and others had conspired and were found to be in possession of explosive substances such as revolver, knives and explosive devices. The case was committed to the Special Court for Bomb blast cases, Poonamallee and taken on file in C.C.No.1/2001.

5.As many as 19 charges were framed in all. On the side of the prosecution, 89 witnesses were examined, 119 exhibits were marked as documentary evidence. 58 material objects were marked on the side of the prosecution. On the side of defence one Sadiq was examined and 5 exhibits were marked.

6.The learned trial Judge by judgment dated 27.01.2003 acquitted A14 alone and convicted the rest of the accused.

7.A1 was convicted and sentenced to undergo 4 years rigorous imprisonment for the offences under Section 120 B IPC r/w 4(b) & 5 and 4(b) & 5 r/w Sec.6 Explosive Substances Act, 1908. Likewise, the other accused were found guilty under the various provisions of the Explosive Substances Act and they sentenced to undergo imprisonment for 4 years and 3 months. Questioning the same, the appeals have been preferred. It is seen that the appellants in Crl.A.No.241 of 2006 have already undergone the entire term of imprisonment. It is also submitted that they are also presently under imprisonment in several other cases. Hence, Crl.A.No.241/2006 stands dismissed.

8.The learned Government Advocate strongly submitted that since it is a bomb blast related case, this Court should sustain not only the conviction, but also sentence imposed on the appellants.

9.As regards the Crl.A.No.1139 of 2003, it is seen that they are not involved in any other case. They were arrested on 30.03.2001 and released on bail vide order dated 04.08.2003. Thus, they were inside for 2 ½ years. The occurrence is of the year 1998. They are husband and wife. In this case, the charge against them is that they were found to be in possession of explosive substances. It is not the case of the prosecution that the appellants in Crl.A.No.1139 of 2003 were involved in other case. Therefore, in the interest of justice, the sentence imposed by the trial Court is modified to the period already undergone by the appellants. With this modification, Crl.A.No.1139/2003 is partly allowed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

- 1.The District and Sessions Judge for Exclusive Trial of Bomb Blast Cases,
Poonamallee.
- 2.The Inspector of Police,
CB CID, SIT, Chennai.
- 3.The Superintendent,
Central Prison(Women)
Vellore.
- 4.The Superintendent,
Central Prison, Vellore.

5.The Public Prosecutor
High Court, Madras.

CRL.A.Nos.1139 of 2003&
241 of 2006

KJI (co)
rrs 06/09/2018



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