IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 04.09.2023	Pronounced on: 15.09.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.A.Nos.260 & 269 of 2013

1.D.Kalai Selvam

2.S.Ravi

3.S.Elumalai

4.D.Senthil

5.S.Vijayakumar

6.N.Devaraj ... Petitioner in Crl.A.No.260 of 2013

R.Charles Jayaseelan ... Petitioner in Crl.A.No.269 of 2013

/versus/

Union of India,
Represented by the Inspector of Police,
CBI, Chennai.
(RC.No.28(A)/2000/SPE/CBI/ACB/Chennai ..Respondent in both Appeals

COMMON PRAYER : Criminal Appeals has been filed under Section 374 of Cr.P.C r/w Section 27 of P.C. Act., to set aside the conviction imposed against the Appellants/Accused A2 to A4 and A6 to A8 in Crl.A.No.269 of 2013 and A1/Appellant in Crl.A. No.269 of 2013 in C.C. No.17 of 2003 on the file of the

XI Additional Special Judge (CBI cases relating to Banks and Financial Institutions), Chennai dated 02.04.2013.

For A-1	: Mr.Prakash Goklaney, in Crl.A. 269 of 2013
For A-2	: Mr.G.Prabakaran, in Crl.A.No.260 of 2013
For A-3	: Mr.K.Ravi Anantha Padmanaban, Sr.Counsel in Crl.A.No.260 of 2013
For A-7 & A-8	: Mr.S.Shanmugavelayutham, Senior Counsel, for Mr.S.Abishek in Crl.A.No.260 of 2013
For A-4 & A6	: Mr.K.Selvaraj, in Crl.A.No.260 of 2013
For Respondent	:Mr.K.Srinivasan, Senior Counsel, Special Public Prosecutor for CBI cases in both Appeals.

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COMMON JUDGMENT

Based on the source information, the Inspector of Police was instructed to register case by the Superintendent of Police, CBI/ACB, Chennai in RC.No.28(A)/2000, dated 07.07.2000. Initially, six persons were suspected and the case under Section 120-B r/w 420 of I.P.C and Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 was taken up for investigation. The premises of the suspected accused were searched and incriminating documents were seized. On completion of investigation, final report filed against the following eight accused.

A1- R.Charles Jayaseelan, S/o.Rajarathinam Pillai
Manager, Indian Bank, Thiruvottiyur Branch.

A2- D.Kalaiselvam, S/o.N.Devaraj,
Proprietor, M/s.Jacob Civil Engineering.

A3- S.Ravi, S/o.N.Sivagnanam,
Proprietor, M/s.D.D.Enterprises

A4- S.Elumalai, S/o.N.Sivagnanam,
Proprietor M/s.Elumalayan Enterprises

A5- K.Shanmugham, S/o.N.Kamalakannan,
Partner, M/s.D.K.Traders,

A6- D.Senthil, S/o.N.Devaraj,
Partner, M/s.D.K.Traders,

A7- S.Vijayakumar, S/o.N.Sivagnanam

A8- N.Devaraj, S/o.T.C.Natesan

2. At this juncture, it is also relevant to note that, A1 is a Public Servant, A2 to A8 are all related by blood. To be more precise, N.Devaraj, (A8), Sivagnanam and Kamalakannan are sons of T.C.Natesan. D.Kalaiselvam (A2), D.Senthil(A6) are sons of Devaraj, S.Ravi(A3), S.Elumalai(A4) and S.Vijayakumar (A7) are sons of Sivagnanam brothers of Devaraj (A8). K.Shanmugam is son of N.Kamalakannan, the brother of Devaraj (A8).

3. The final report laid by E.P.Suresh Kumar, Inspector of Police SPE/CBI/ACB, Chennai, was taken on file by the Special Court for CBI cases, Chennai in C.C.No.17 of 2003.

4. The sum and substance of the final report was that, A-1 Charles Jayaseelan, while working as Branch Manager, Indian Bank, Thiruvottiyur Branch, abused his official position and in furtherance of conspiracy with private individuals A2 to A8 by illegal means fraudulently and dishonestly advanced high credit facilities in the names fictitious non-existing Firms floated by the accused A2 to A6. A-2 Kalaiselvam impersonated as Jacob and A4 Elumalai impersonated as Sundaram. To facilitate, the diversion of the loan two more fictitious Firms were created by A-7 and A-8 and the bank accounts were opened to encash the loan diverted dishonestly to cheat the Bank.

5. The trial Court, on considering the final report framed as many as 27 charges, covering offences under Section 120-B r/w 420, 419, 467, 467 r/w 471 I.P.C, 468, 468 r/w 471 IPC and 13(2) r/w 13(1)(d) of PC Act, 1988. The charges against respective accused are:-

Rank of the Accused	***Charges***
A-1 to A-8	120-B r/w 420, 419, 467, 467 r/w 471, 468, 468 r/w 471 of I.P.C and 13 (2) r/w 13(1)(d) of P.C Act, 1988.
A-1	13 (2) r/w 13(1)(d) of P.C Act
A-2	419, 468, 468 r/w 471, 467, 467 r/w 471, 420 of I.P.C
A-3	468, 468 r/w 471, 467, 467 r/w 471, 420 of I.P.C
A-4	419, 468, 468 r/w 471, 467, 467 r/w 471, 420 of I.P.C
A-5 & A-6	468, 468 r/w 471 of I.P.C
A-5	468, 468 r/w 471, 467, 467 r/w 471, 420 of I.P.C
A-7 & A8	420 of I.P.C

6. Pending trial, A-5/Shamugam died and the charges against him got abated.

7. The prosecution to prove the charges examined 22 witnesses (P.W.1 to P.W.22) and marked 541 Exhibits (Ex.P.1 to Ex.P.541). On the side of the defence 4 Exhibits (Ex.D.1 to Ex.D.4) marked.

8. In fine, the trial Court found A1 to A4 and A6 to A8 guilty of the charges tried and sentenced them to undergo R.I for period of 7 years and to pay fine ranging from Rs.50,000/- to Rs.25 lakhs. The period of sentence, fine amount and default sentence imposed on each accused for the offences is provided in the table given under:-

Accused	***Offences under Section***	***Conviction and Sentence passed by the Trial Court***
A-1	u/s.120-B r/w 420, 419, 467, 467 r/w 471 IPC, 468, 468 r/w 471 IPC and sec.13 (2) r/w 13 (1) (d) of PC Act, 1988.	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.50,000/-** (Rupees Fifty Thousand only) and in default to undergo S.I for one year.
A-2	u/s.120-B r/w 420, 419, 467, 467 w 471 IPC, 468, 468 r/w 471 IPC and sec.13 (2) r/w 13 (1) (d) of PC Act, 1988.	To undergo **R.I FOR 7 (seven)** years and to pay a fine of **Rs.25,00,000/-** (Rupees Twenty Five Lakhs only) and in default to undergo S.I for one year.
A-3	u/s. 120-B r/w 420, 419, 467, 467 r/w 471 IPC, 468, 468 r/w 471 IPC and sec.13 (2) r/w 13 (1) (d) of PC Act, 1988.	To undergo **R.I for 7 (seven)** years and to a fine of **Rs.26,00,000/-** (Rupees Twenty Six Lakhs only) and in default to undergo S.I for one year.
A-4	u/s. 120-B r/w 420, 419, 467, 467 r/w 471 IPC, 468, 468 r/w 471 IPC and (2) r/w 13 (1) (d) of PC Act 1988.	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.24,00,000/-** (Rupees Twenty Four Lakhs only) and in default to undergo S.I for one year.
A-6	u/s. 120-B r/w 420, 419, 467, 467 r/w 471 IPC, 468, 468 r/w 471 IPC and sec.13 (2) r/w 13 (1) (d) of PC Act, 1988.	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.56,00,000/-** (Rupees Fifty Six Lakhs only) and in default to undergo S.I for one year.
A7&A8	u/s. 120-B r/w 420, 419, 67, 467 r/w 471 IPC 468, 468 r/w 471 IPC and sec.13 (2) r/w 13 (1) (d) of PC Act 1988.	to undergo **R.I for 7 (seven)** years each and to pay a fine of **Rs.50,000/-** (Rupees Fifty Thousand only) sach and in default to undergo S.I for one year.

Accused	*Offences under Section*	*Conviction and Sentence passed by the Trial Court*
A-2	u/s. 419 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.25,00,000/-** (Rupees Twenty Five Lakhs only) and in default to undergo S.I for one year.
	u/s. 468 IPC	to undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.25,00,000/-** (Rupees Twenty Five Lakhs only) and in default to undergo S.I for one year.
	u/s. 468 r/w 471 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.25,00,000/-** (Rupees Twenty Five Lakhs only) and in default to undergo S.I for one year
	u/s. 467 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.25,00,000/-** (Rupees Twenty Five Lakhs only) and in default to undergo S.I for one year.
	u/s. 467 r/w 471 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.25,00,000/-** (Rupees Twenty Five Lakhs only) and in default to undergo S.I for one year.
	u/s. 420 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.25,00,000/-** (Rupees Twenty Five Lakhs only) and in default to undergo S.I for one year.
A-3	u/s. 468 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.26,00,000/-** (Rupees Twenty Six Lakhs only) and in default to undergo S.I for one year.
	u/s. 468 r/w 471 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.26,00,000/-** (Rupees Twenty Six Lakhs only) and in default to undergo S.I for one year.
	u/s. 467 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **RS.26,00,000/-** (Rupees Twenty Six Lakhs only) and in default to undergo S.I for one year.
	u/s. 467 r/w 471 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.26,00,000/-** (Rupees Twenty Six Lakhs only) and in default to undergo S.I for one year.
	u/s. 420 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.26,00,000/-** (Rupees Twenty Six Lakhs only) and in default to undergo S.I for one year.
A-4	u/s. 419 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.24,00,000/-** (Rupees Twenty Four Lakhs only) and in default to undergo S.I for one year.

Accused	*Offences under Section*	*Conviction and Sentence passed by the Trial Court*
	u/s. 468 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.24,00,000/-** (Rupees Twenty Four Lakhs only) and in default to undergo S.I for one year.
	u/s. 468 r/w 471 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.24,00,000/-** (Rupees Twenty Four Lakhs only) and in default to undergo S.I for one year.
	u/s. 467 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.24,00,000/-** (Rupees Twenty Four Lakhs only) and in default to undergo S.I for one year.
	u/s. 467 r/w 471 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.24,00,000/-** (Rupees Twenty Four Lakhs only) and in default to undergo S.I for one year.
	u/s. 420 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.24,00,000/-** (Rupees Twenty Four Lakhs only) and in default to undergo S.I for one year.
A-6	u/s. 468 IPC	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.56,00,000/-** (Rupees Fifty Six Lakhs only) and in default undergo S.I for one year.
	u/s. 468 r/w 471 IPC	To undergo **R.I for 7 (seven)** years and o pay a fine of **Rs.56,00,000/-** (Rupees Fifty Six Lakhs only) and in default undergo S.I for one year.
A7 & A8	u/s. 420 IPC	To undergo **R.I for 7 (seven)** years each and to pay a fine of **Rs.50,000/-** (Rupees Fifty Thousand only) each and in default to undergo S.I for one year.
A1	u/s. 13 (2) r/w 13 (1) (d) of PC Act 1988	To undergo **R.I for 7 (seven)** years and to pay a fine of **Rs.50,000/-** (Rupees Fifty Thousand only) and in default to undergo S.I for one year.

9. On being aggrieved by the conviction and sentence, A-1/R.Charles Jayaseelan, has preferred Crl.A.No.269 of 2013. The rest of the six accused jointly preferred Crl.A.No.260 of 2013. Though, their Appeal is common, they have engaged different Counsels and put forth their arguments.

10. The case of the prosecution as unfurled through its witnesses and documents is that, A-1 while serving as the Branch Manager of Indian Bank of Thiruvottiyur Branch during the month of December, 1997 and thereafter, pursuant to criminal conspiracy, he entered with other accused persons, permitted to open Current Accounts in the name of M/s.Jacob Civil Engineering, M/s.D.D Enterprises, M/s.Elumalayan Enterprises and M/s.D.K.Traders. For these firms which are fictitious and not a functioning business entity, cash credit loan limit upto Rs.2,50,000/-, Cheque Bill Purchase facility upto Rs.50,000/- and Term Loan upto Rs.1,50,000/- was sanctioned and released by A-1 by abusing his official position as Manager of the Bank.

11. P.W-1 R.Ranganathan, Senior Manager and K.J.Muralidharan, Manager, had conducted investigation at Thirvottiyur Branch on 06/12/1999, 07/12/1999 and 08/12/1999 as per the directions of the General Manager, Zonal Office. The investigation brought to light that, A-1 had allowed credit facilities to the above said four firms under various categories of Mid Term Loan (MTL) without power. The credit facilities were extended based on the guarantee given by common guarantor, Mr.N.Devaraj and his brother Mr.N.Sivagnanam.

Further, the investigation also disclosed that these 4 firms were floated by the family members of one family, Devaraj (A-8) and his two brothers Sivagnanam and N.Kamalkannan. The second accused Kalaiselvam S/o.Devaraj, impostering himself as Jacob had opened the bank account in the name of M/s.Jacob Civil Engineering and availed credit facility. The third accused Elumalai impostering himself as Sundaram, had opened the bank account in the name of M/s.Elumalai Enterprises and availed credit facility. On enquiry, all these 4 firms allegedly carrying on same business and do not actually holding any stocks at any point of time and they were only a commission Agents. The sanction of such huge credit facilities to these firms were in violation of lending norms and irregular.

12. The report of P.W-1 marked as Ex.P-2 dated 10/12/1999 recorded that, A-1 omitted to obtain the MTL agreement for the Term Loans. MTL was released purely to accommodate the borrowers. Likewise, the limits released under supply BP and DABP are also purely to accommodate the borrowers. As there are no supporting bills, excesses have not been reported in AUD's. As final analysis, Ex.P-2 report concluded that the Senior Manager of the Bank had flouted all lending norms to favour one group of persons/concerns, without verifying their credentials, antecedents and their connections with other banks. In the process, Mr.A.S.Narayanan the Manager and the Assistant Branch Manager also failed to put the Higher Authorities on alert and caution. Apart from the report Ex.P-2, the account opening forms, loan applications, documents connected with the processing of loan and the relevant entries in the registers maintained in the bank for all these 4 firms were marked through this witness as prosecution Exhibits Ex.P-1 to Ex.P-149. Through this witness, the prosecution has established that A-1 had not received required documents from the borrowers before sanctioning the loan. Most of the column in the loan application forms are blank and all the borrowers belongs to one family. Particulars like description of movables in Ex.P.12 left blank. In Ex.P-13, the goods hypothecated not mentioned. In the open cash credit (OCC) agreement executed by Kalaiselvam as Jacob is blank. Similar incompleteness found in the documents of other borrowers also.

13. P.W-19 Thiru.Y.Surya Prasad, was asked to give opinion on the questioned writings and signatures by comparing it with the admitted writings and signatures. His report with reasoning is marked as Ex.P-529. As far as the documents of M/s.Jacob Civil Engineering is concerned, the admitted signatures of Kalaiselvam sent for opinion of handwriting expert and writing as Jacob in the question document found tallied with the handwriting of Kalaiselvam.

14. In the cross examination, P.W-1 has admitted that, most of the exhibits marked through him as Ex.P-1 to Ex.P-149 are photocopies and not original. He also admits that, he did not come across any complaint of moral turpitude about A-1. He also admits that, except Ex.P-2, he is not the author of other documents marked through him.

15. After the report of P.W-1, the Bank instructed the Inspectors of Branches, Mr.Chandirasekaran and Mr.Sankaran to conduct investigation about the excesses over limits and TOD's allowed at Thiruvottiyur Branch. They submitted a preliminary report Ex.P.527 dated 20/12/1999. This report speaks about the leakage of income in the account of the four firms viz., M/s.Jacob Civil Engineering, M/s.Sri Elumalaiyan Enterprises, M/s.D.D.Enterprises and M/s.D.K.Traders and had estimated the excesses as Rs.3,42,255/-. T.S.Sankaran (P.W-18) who is one of the signatories of the preliminary report had deposed about the excess. The marking of the report Ex.P.527 being a photocopy, objected by the defence.

16. The objection about the nature of the document marked as Ex.P.527 has less significance in this case, since the excess disbursal been spoken through other documents also and it is not the case of the accused that they were not disbursed loan in excess or they were prompt in repaying the loan. In fact Indian Bank had initiated recovery proceedings against these firms through DRT. Same is not only admitted by the accused but also relied to canvass the point that the dispute is civil in nature arising out of contract however, criminal color given by the prosecution. Had there been any criminality in the loan transactions, DRT might have not entertained the applications.

17. P.W-3 Mr.Venkataraman, Proprietor of M/s.P.K.Venkataraman Engineering Works is the holder of Current Account No:409. In the chief examination, he had deposed that, he introduced Elumalai as ‘Sundaram’ to open the Current Account in the name of M/s.Elumalayan Enterprises at the request of A-1, who was the Branch Manager at that time. He know nothing about M/s.Elumalaiyan Enterprises or the person in the photograph Ex.P-81 affixed in the application Ex.P-82. When the Learned Counsel for A-1 cross examined P.W.13, after 16 months, he denied meeting with A-1 during the 4 years period when he was operating his account. Hence, the prosecution declared him as a hostile witness.

18. P.W-4 V.V.Narayanan Proprietor of M/s.V.V.N.Electricals is the holder of Current Account No:303. As per the request of Mr.Charles, Bank Manager, he signed in Ex.P-35 as introducer. He do not know the person whose photograph been affixed. In the cross examination, P.W-4 had asserted that, the Bank Manager has requested him to introduce M/s.D.K.Traders to open the account. When he signed the application, the photograph was not affixed.

19. P.W-6 who was the Tahsildar of Ambattur during the February 2002 to February 2003 had deposed that, the voter list for the Thiruvottiyur Assembly Constituency prepared for the year 1999 (Ex.P-150) discloses that, at house No:41, Village Street, the names of Sivagnanam, Kumar, Elumalai, Amudha, Lakshmi and Ravi are shown as eligible voters residing in this address. In house No:42, the names of Kamalakannan, Prabhavathy, Shanmugam, Velu, Shanthi, Balaji, Renuka and Mohan are shown as eligible voters residing in this address. In House No: 42/1 Yamuna, Lavanya are eligible voters. In House No:43, Devaraj, Radha, Gajalakshmi and Kalaiselvam are shown as eligible voters residing in this address. The father name of Devaraj is shown as Natesan. In houses bearing Door No:41 to 43, the family members of Natesan are residing as per Ex.P-150. There is no person by name Jacob or Sundaram residing in these addresses.

20. The voter's list for the Thiruvottiyur Constituency prepared for the year 2002 is marked as Ex.P-151 and the photographs of the voter is marked as Ex.P-152. The Voter's Identity card of Kalaiselvam marked as Ex.P-153 and the witness P.W.6 had answered he do not know, to the question put in the cross examination that Jacob and Sundaram were residing in the said addresses but were not absent when the officers came for enumeration, therefore their names were not included in the voter list.

21. P.W-7, the Postman of Thiruvottiyur Post Office had deposed that, door Nos.41 to 43, 46, 47, 38, 36/2 belongs to Natesa Mudaliar family. To his knowledge, there was no firm functioning in these addresses by name M/s.Jacob Civil Engineering or M/s.D.K.Traders or M/s.Elumalaiyan Enterprises. There was no boards of these firms in the said addresses. As per the instruction given to the Post Office, the postal covers addressed to M/s.D.K.Traders, used to be delivered to Mr.Kumar, who is one of the resident in Door No:46. The evidence of P.W-7 is corroborated by PW-8, another post man of that area.

22. The loan amount sanctioned to these 4 firms by A-1 were diverted by A-2 to A-6, through the accounts opened by A-7 and A-8. To prove this fact, the prosecution has examined P.W-9 who was the Chief Manager, State Bank of Mysore, Chennai Main Branch. On 09/01/1999, during the period of Mr.Chandrasekaran, the then Manager of the Branch, the Current Account No:200238 in the name of M/s T.C.Natesan Brick Works, No:38/36/2, Village Street, Thiruvottiyur, Chennai was opened. Devaraj (A-8) was operating the account as the partner of the firm. On 19/02/1999 the current account was converted into cash credit account No.200032. On 13/10/1999 a sum of Rs.2,00,600/- and on 20/09/1999, a sum of Rs.2,01,505/- was credited into this account.

23. P.W-10 V.Shankar the Senior Manager, Punjab National Bank, Mylapore Branch, had identified the account opening form of M/s.Gopi Traders by Mr.Nandhan and the photograph affixed in the form. The Account of M/s.Gopi Traders was introduced by Mr.Elumalai, Proprietor of S.K.T.Bricks. The application and photo of Nandhan marked as Ex.P-157 and Ex.P-158. The Current Account No:1499 of S.K.T.Bricks was introduced by Vijayakumar signed as Kumar, who is the Managing Director of M/s.Ravi Bricks Pvt Ltd holding cash credit account No:142. The account of M/s.Ravi Bricks opened on the introduction of M/s.K.R.Enterprises. P.W-10 had deposed about the Cash Credit Account No:140 in the name of M/s.K.R.Enterprises, as a partnership firm consisting of Vijayakumar and his wife Alamelu as its partners was maintained in this branch and the account opening form and specimen signature cards are marked as Ex.P-161 and Ex.P-162. M/s.K.R.Enterprises also had a current account in Punjab National Bank, Mylapore Branch bearing No:1360. The account opening form is marked as Ex.P.164. The statement of accounts in respect of cash credit account No.140 is marked as Ex.P-165.

24. Through this witness, the interlink between Elumalai (A-4) and Vijayakumar (A-7), their identify, the firms started by them and the accounts maintained by them in Punjab National Bank, Mylapore branch and the diversion of loan amount sanctioned by Indian Bank, Thiruvottiyur through these accounts were attempted to be established. However this witness had not deposed about this in detail except marking the Ex.P-157 to Ex.P-171 which includes the signatures and photos of the account holders and the statement of accounts. In the cross examination, this witness had deposed that the originals of the photocopy marked through him were handed over to C.B.I. The Learned Counsels for the appellants referring the evidence of Investigating Officer, who had denied the possession of original with C.B.I, took exception for relying the photocopies of bank documents objected during its marking.

25. P.W-12, V.Ganesh, Senior Manager of Indian Bank, during September 2001 to February 2004 at Triplicane Branch, had deposed about the account maintained in that branch by Devaraj (A-8) in the name of M/s.N & D Enterprises as a Proprietor concern. The Account No:558 was opened on 31/12/1999. From the statement of accounts, this witness has testified that to this account of A-8, cheques from M/s.Jacob Civil Engineering, M/s.D.D.Enterprises, M/s.D.K.Traders and M/s.Sri Elumalaiyan Enterprises were credited and corresponding debits were made from the accounts of these 4 firms. Thus, the prosecution through this witness has established the transfer of funds from the borrowing firms to the account of A-8.

26. P.W-13, S.Lakhsmanan who as Senior Manager had conducted the Audit Returns Daily (AUD-I) and Audit Returns Fortnightly (AUD-II) of the Branch. He had deposed regarding cash credit facility extended to these 4 firms. A-1 had not intimated that he had extended any other facilities to these 4 firms except what mentioned in Ex.P-178 and Ex.P-179. In the cross examination P.W-13 admits that, during his tenure he did not remember about sending any report regarding excess grant of loans by A-1.

27. P.W.14 A.S.Narayanan, who was the Loan Manager in Indian Bank, Thiruvottiyur Branch during the relevant point of time when A-1 was working as Senior Manager of the Branch had deposed about the procedure and the limit of A-1 to grant loan facilities upto Rs.10 lakhs. TOD is given for urgent business purpose for which a request letter and a form should be given by the parties. In rare cases, the Senior Manager can extend TOD beyond discretionary limit but in such case, the Senior Manager should report by way of AUD statement to the higher authorities. For all the 4 firms, A-1 had extended TOD facilities beyond the limit using his discretion but had not reported to the Higher Authorities. A-1 converted TOD facility into other facilities like OCC, Term Loan, DABP, Supply Bills etc. For the term loan along with application in the prescribed format, for purchase of assets proof of advance payment, invoices and proof of delivery of materials/assets ought to be enclosed. Whereas, for these 4 firms A-1 had advanced Term loan without application and other documents. Based on pro-note and hypothecation agreement the loans were sanctioned. Likewise, OCC facilities extended to these 4 firms without applications and statement of asset and liability and particulars of purchase of raw materials and stock details. P.W-14 had incriminated A-1 for dealing the files of these 4 firms by sitting in the seat of Accountant and pass cheques. Used to get documents subsequently and keep it in his custody. The application forms and other documents are not available in the loan files of these 4 firms.

28. To prove that, these 4 firms were sham and nominal entities created for the purpose of availing loan facilities and appropriate the same, the prosecution has examined P.W-15, who was working as Deputy Commissioner of Commercial Tax Department Central Division. He had deposed that on examining the 'A' Register meant for recording the registration of dealers under the Act, he does not find these 4 firms got registered with the Commercial Tax department as dealers. His reply to C.B.I regarding non-registration as dealers is marked as Ex.P-180.

29. P.W.16 R.Krishnamoorthy, who was working as Chief Manager, Indian Bank, Hosur Branch, between the period from April 2001 to 2004 had furnished the documents connected with the loan sanctioned to these four firms to C.B.I for their investigation. He has identified these documents and explained how loan sanctioned to these four firms were withdrawn through credit vouchers and debit vouchers, respective transaction also been spoken by these witnesses in detail. He is the key witness who had spoken about the transaction in entirety and identified respective documents for these transactions. The Bank initiated recovery proceedings through DRT and that has been elicited in the cross examination of these witnesses.

30. P.W.18, Thiru.T.S.Sankaran, Senior Manger, Indian Bank, is one of the Team member, who has inspected the accounts pursuant to the direction of the Senior Officer and his report Ex.P.527 being a photocopy was objected by the defence for marking the documents. Rest of the prosecution witnesses are from investigation team.

31. The trial Court, on considering the above evidence and the submissions of the Learned Counsels appearing for the accused/appellant held that, these four firms had availed loan dishonestly in connivance with A-1 and same been diverted for the benefit of A2 to A8. The proposal of One Time Settlement offered by the borrowers also been taken note by the trial Court. The Statement regarding loan sanctioned and balance as on 01.04.2013 been taken note by the trial Court and had found all the accused guilty of the charges tried and convicted. While imposing the sentence the amount due been taken note and accordingly fine amount has been imposed. For easy reference, Statement of Accounts is extracted below:-

Sl. No.	***Name of the accused***	***Sanctioned Loan amount***	***Date of Loan Sanctioned***	***Remarks/Balance***
1.	R.Charles Jayaseelan (A1)	Then Manager, Indian Bank Thiruvottiyur, Chennai.		
2.	D.Kalaiselvam, (A2)	Rs.16,91,000/- sanctioned in the name of Jacob	From 07.06.1999 to 25.11.1999	Rs.1,68,14,955.88
3.	S.Ravi, Loanee, Proprietor, M/s.D.D.Enterprises	Rs.17,24,000/-	From 07.06.1999 to 25.11.1999	Rs.1,54,39,286.22
4.	S.Elumalai, Loanee, Proprietor, M/s.Elumalayan	Rs.16,04,000/- sanctioned in the name of Sundaram	From 09.06.1999 to 25.11.1999	Rs.1,65,30,676.64

Sl. No.	*Name of the accused*	*Sanctioned Loan amount*	*Date of Loan Sanctioned*	*Remarks/Balance*
	Enterprises			
5.	K.Shanmugham (A-5)	Rs.20,04,000/-	From 16.09.1999 to 25.11.1999	Rs.1,65,30,676.64
6.	S.Vijayakumar (A7) & N.Devaraj (A8)	Guarantors		
Total		Rs.6,53,15,595,38		
Legal Fees		Rs.2,29,000.00		
Total		Rs.6,55,64,000.38		

32. A-1, who is the appellant in Crl.A.No.269 of 2013 claim that he is a innocent person and had sanctioned the loans as per the Banking Rules and Practice. The trial Court judgment holding him guilty is challenged on the ground that, P.W.1 evidence is not reliable, since P.W.1 is not competent person to speak about the Ex.P.1, Ex.P.3 to Ex.P.149 to which he is not the author. As far as Ex.P.2 is concerned, it is not a complete report of the four firms. Two charges against him; one for conspiracy and another for misconduct of public servant not been substantiated by the prosecution through reliable evidence.

33. In the written submission, this appellant has canvassed that the co-signatory of the report Ex.P.2, Mr.Muralidhar not been examined by the prosecution. This report does not refer about any irregularities in sanctioning loan by A-1 alone. There are other loan transactions sanctioned by other Bank Officials, but only A-1 been prosecuted. The evidence of P.W.5 is unreliable, since she admits that, she had made entries in the documents without perusing the bills, if so, she should also be prosecuted.

34. The testimony of Bank Officials with reference to the documents, it has been contended by the appellant that, there is ample evidence to show that this accused had not committed any dishonest act with intention to cheat. The various transaction spoken by the bank witnesses does not render any assistance to the prosecution to substantiate the charge of conspiracy or misconduct. The evidence of P.W.19, the Hand writing expert had opined that D.Kalaiselvam and S.Elumalai had signed as 'Jacob' and 'Sundaram' respectively but they are one and the same person. Therefore, there cannot be any accusation of impersonation for implicating A-1 who believed the person before him and identified themselves as Jacob and Sundaram.

35. To sum up, A-1 has filed written submission as stated below:-

- *There is nothing in the evidence to support the theory of conspiracy. Also, the charge is very vague about the whole thing.*
- *There is also nothing to support the charge under the provisions of the P.C. Act.*
- *There is no incidence of either forgery, making of false document or impersonation and in any event, there is nothing to show that the appellant was aware of what has now been alleged.*
- *There is nothing against the appellant to warrant action against him in view of the evidence let in and the circumstances of the case. On the other hand, he is sought to be punished for developing the Branch to a great extent.*
- *What has been alleged are no doubt irregularities, but which are absolutely commonplace and which have not even been taken note of by the Bank, till CBI stepped in for investigation. The fact that such aspects are seen in several other accounts in the Bank only shows that the accused herein have been picked and chosen. The entire process, if the prosecution story be true, would require the involvement of several other personnel, without which the allegations could not be true. Also, no offence can be presumed due to such irregularities, which is also the law laid down by Courts.*
- *Further, almost all the documents are Xerox copies marked without any evidence or reasons for letting in oral evidence. This Hon'ble Court has itself held in Subbaraman and ors vs CBI that a conviction cannot be*

sustained on such Xerox copies of documents.

36. As far as the appellants in Crl.A.No.269 of 2013 are concerned, similar plea canvassed and separate written submission on their behalf has filed by their Counsels pointing out the discrepancy in the prosecution evidence. According to them, the charge of forging the documents for the purpose of cheating or obtaining unlawful gain is not made out since the loan was availed by producing genuine documents and only fault on behalf of the borrowers is that they are unable to clear the amount due to business loss and it being a pure commercial transaction no criminality can be fastened on them.

37. Regarding allegation of impersonation by Kalaiselvam as 'Jacob' and Elumalai as 'Sundaram', it is contended by them that the prosecution has failed to establish the charge of impersonation. Furthermore, for the offence under Section 419 of I.P.C, the maximum sentence is only three years, whereas, the trial Judge had imposed 7 years R.I for the said offence which clearly indicates non-application of mind. The evidence of Postman or the Commercial Tax Officer cannot be a proof for non-existence of these firms since registration of a trader is not mandatory. Even according to the testimony of P.W.9 and P.W.10

the postman, the letters were delivered to these firms through one Ravi who was the occupant. The improper investigation and failure to collect necessary document by the Investigating Officer cannot be a reason to conclude that these four firms were not at all in existence. Further, it is contended that the borrowers have made all the efforts to repay the amount and the Bank has initiated recovery proceedings before DRI against them. The loans are well secured by genuine collateral security and therefore, the conviction by the trial Court has to be set aside.

38. The Learned Counsel for the appellants further submitted that the opinion of hand writing expert is a weak piece of evidence. It cannot be a basis for conviction. Further, the Investigating Officer had asked A2 and A4 to sign as 'Jacob' and 'Sundaram' respectively without collecting their admitted standard writings. Comparison of disputed signature as found in photocopy with that of the admitted signature will not give a clear conclusion. The manner in which the signature of the accused persons collected by the prosecution is contrary to law laid.

39. The Learned Counsel for the appellant also submitted that, in any event, imposing 7 year R.I and huge fine amount, disproportionate to the alleged offence is excessive and need to be revised.

40. Per contra, the Learned Special Public Prosecutor for the respondent submitted that, the loan sanctioned to the four firms namely M/s.Jacob Civil Engineering, M/s.D.D Enterprises, M/s.Elumalayan Enterprises and M/s.D.K.Traders are not denied. The prosecution through the Deputy Commercial Tax Officer, P.W.15, had proved that the above four firms are not registered dealers and their names are not mentioned in "A" Register maintained by the Commercial Tax Department. P.W.13 had deposed that, A1 had granted loan to these four firms under different categories in excess of his power and the same was not intimated to the higher Authorities which is required under the Banking Rules. The specimen signature is voluntarily given by the accused in the course of investigation and sent for hand writing expert. The opinion of hand writing expert which is marked as Ex.P.533 implicates A-2 for signing as 'Jacob' in the loan document and A-4 Elumalai for signing as 'Sundaram' in the loan documents. Through prosecution witness and Exhibits, the relationship between the accused persons from the account opening form in Indian Bank, Thiruvottiyur Branch as well as in Punjab National Bank and other bank are established.

41. The appellants in Crl.A.No.260 of 2013 had involved in series of bank fraud cases and some of the original documents were produced in the connected criminal cases. The Photocopies duly certified were produced before the Court and same been admitted without any objection, except Ex.P.527 and few other documents. The Bank Registers and documents which are in the custody of the bank was handed over to C.B.I during the course of investigation. It is not the case of the appellants that, they are not the person who have borrowed the money or they have borrowed the money and later cleared the entire dues. The defence documents Ex.D.1 to Ex.D.4 itself throw light that, four applications are filed before the DRT against these four firms for recovery of money.

42. Recovery proceedings before DRI is not a substitute or alteration to proceed against appellants for availing loan fraudulently. The prosecution has proved beyond doubt that, these four firms are non-existing firms and not even registered as dealers before the Authorities. Without collecting necessary documents A1 sanctioned loan to these four firms. The trade loans were sanctioned even without application. This fact has been spoken by P.W.16.

Whenever the loan sanctioned go in excess of the limit, same has to be intimated to the Higher Officials and ought to have been recorded under AUD Registers. P.W.13 had categorically stated that, A1 having extended the loan facility under various heads to these four firms beyond the prescribed limit of Rs.10 lakhs, has been not properly intimated to the Higher Officials. There is no denial by A-1 to the accession of P.W.13 in the chief examination that, A-1 failed to make all the entires in respect of these four firms. Therefore, the Learned Special Public Prosecutor submitted that, the judgment of the trial Court has to be confirmed.

43. Heard the Learned Counsel for the appellants and the Learned Special Public Prosecutor for the respondent/C.B.I. Records perused.

44. A-1, who is the appellant in Crl.A.No.269 of 2013 was the Branch Manger of Indian Bank, Thiruvottiyur Branch. From the evidence of P.W.1 and P.W.13, the prosecution has proved that, A1 had violated the Bank procedure by extending loan to these four firms. After exceeding the limit by converting POD into OCC and BP, same not been intimated to the Higher Authorities. P.W.14 was working along with A-1 had deposed that, A-1 used to deal the loan affairs of these four firms personally and used to retain their loan documents. It is also proved by the prosecution through these witnesses that, in the file pertaining to these four loans, the applications and other necessary documents are not available. Therefore, the loan sanctioned without proper application and necessary documents to the firms which were fictitious, floated by members of same family directly attributes to dishonest intention of A1 done in tandem with the borrowers A2 to A6.

45. As far as A-2 Kalaiselvam who had imposed as Proprietor of M/s.Jacob Civil Engineering, had not availed the loan in his name but had impersonated himself as Jacob and operated the account. The photograph of A2 in the loan application form identified by the witnesses and signature compared by the hand writing expert proves that A-2 Kalaiselvam in the name of 'Jacob' had availed loan but failed to repay the same. The voter list relied by the prosecution also corroborating the facts that, in the address shown in the application form for Jacob and Sundaram, there is no such person. The father name disclosed by 'Jacob' and 'Sundaram' tallies with the father name of Kalaiselvam and father name of Elumalai and were same. For that purpose, the prosecution has examined P.W.10 Sankaran, Senior Manager, Punjab National

Bank, Adyar Branch. Elumalai as Proprietor of M/s.S.K.T Brick had opened account affixing his photograph. The other accused A-7 had also opened account in the Punjab National Bank for the purpose of transferring the loan amount from the Indian Bank to Punjab National Bank. The Vigilance Cell of Indian Bank initially conducted inspection of the Branch and scrutinized the records. The excess disbursement of loan without intimating to Higher Officials had come to light, hence had submitted the Ex.P.527 report. P.W.2 who had carried on further enquiry and had submitted the report Ex.P.2 which more or less contains same information. Disclosing gross violation by A-1 in disbursing the loan amount to A2 to A6, the omission to note the excess payment in AUD-I and AUD-II clearly prove the dishonest intention of A1.

46. The Trial Court has rightly held that even without separate Application for different facilities of loan, A-1 sanctioned loan to A2 to A6 and thereby, acting hand in glove pursuant to the dishonest and fraudulently intention to cheat the Indian Bank. The permission to open the Current Account in the fictitious name and sanctioning loan based on common collateral security offered by A-8 is yet another fact which strongly show the needle of suspicion towards these accused.

47. The loan amount sanctioned to A2 to A6 had substantially transferred into the account of A7 and A8, maintained in other banks, totally a sum of Rs.7.23 lakhs sanctioned as loan and drawn by these four firms. Since Shanmugam Proprietor of M/s.D.K Traders died before the trial, the charge against him got abated. For all these loan, A7 & A8 stood as guarantor and from the evidence of P.W.1, P.W.9 and P.W.11, who are the Officials of Indian Bank, the fund flowed from the accounts of A2 to A6 to the accounts of A7 and A8 been clearly demonstrated.

48. The corresponding entries in the accounts maintained by A7 & A8 been spoken by P.W.10, Senior Manager, Punjab National Bank, Mylapore. The default/non-payment of loan by these four fictitious firms is evident from defence evidence marked as Ex.D.1 to Ex.D.5. Thus, by all force, the prosecution has proved the charges against the accused persons and the trial Court has rightly held them guilty for the following offences:-

Rank of the Accused	***Guilty of Offence Under Section***
A1 to A4 and A6 to A8	u/s. 120-B r/w 420, 419, 467, 467 r/w 471 IPC, 468, 468 r/w 471 IPC and sec.13 (2) r/w 13 (1) (d) of Prevention of Corruption Act, 1988.
A2	u/s.419 IPC, u/s.468 IPC, u/s.468 r/w 471 IPC, u/s.467 IPC, u/s.467 r/w 471 IPC. u/s.420 IPC.
A-3	u/s.468 IPC, u/s.468 r/w 471 IPC, u/s.467 IPC, u/s.467 r/w 471 IPC, u/s.420 IPC.
A-4	u/s.419 IPC, u/s.468 IPC, u/s.468 r/w 471 IPC, u/s.467 IPC, u/s.467 r/w 471 IPC, u/s.420 IPC.
A-6	u/s.468 IPC,u/s.468 r/w 471 IPC.
A7 and A8	u/s.420 IPC.
A1	u/s.13 (2) r/w,13 (1) (d) of Prevention of Corruption Act, 1988.

49. The trial Court had sentenced them to undergo 7 year R.I for each of the charges proved. As pointed out by the Learned Counsel for the appellants, the sentence and fine imposed requires consideration. Taking note of the fact that, the loan obtained through these firms by the accused persons is around Rs.71 lakhs and tabulation provided by the prosecution is inclusive of interest and penal interest.

50. As far as the loan amount is concerned, the Bank has initiated recovery proceedings before the DRT-II, Chennai, in O.A.No.211 of 2002, O.A.No.212 of 2002, O.A.No.210 of 2002 and O.A.No.241 of 2007, the application copies are marked as Ex.D.1 to Ex.D.4. In fact, in the course of argument, the Learned Counsel for the appellants in Crl.A.No.260 of 2013 furnished copy of the order passed by the DRT-II, Chennai, in O.A.No.210 of 2002 renumbered as O.A.No.498 of 2007, wherein, the petition filed by the Bank for recovery of Rs.25,73,900.68p with interest at the rate of 18% been decreed by directing the borrowers and guarantors namely M/s.Elumalayan Enterprises and others to remit a sum of Rs.25,73,900.68p at the rate of 9 % p.a (simple interest) from the date of filing till the date of realization.

51. Since, the bank had initiated proceedings before DRT, for recovery of money and the property of A-8 given as collateral security is available for the recovery of the debt, the Learned Counsel appearing for the appellant submitted that, the sentence and fine amount imposed by the trial Court is excessive.

52. Taking into consideration the above submission, this Court, modifies the sentence and fine amount imposed by the trial Court on the accused/appellants as stated below:-

Accused	***Offences under Section***	***Conviction and Sentence passed by the Trial Court***	***Conviction and Sentence modifies by this Court***
A-1	u/s.120-B r/w 420,	To undergo **R.I for 7** years	To undergo **R.I for 2** years

Accused	*Offences under Section*	*Conviction and Sentence passed by the Trial Court*	*Conviction and Sentence modifies by this Court*
	419, 467, 467 r/w 471 IPC, 468, 468 r/w 471 IPC and sec.13 (2) r/w 13 (1) (d) of PC Act, 1988.	and to pay a fine of **Rs.50,000/-** and in default to undergo S.I for one year.	and to pay a fine of **Rs.50,000/-** and in default to undergo S.I for **3 months.**
A-2	u/s.120-B r/w 420, 419, 467, 467 w 471 IPC, 468, 468 r/w 471 IPC and sec.13 (2) r/w 13 (1) (d) of PC Act, 1988.	To undergo **R.I for 7** years and to pay a fine of **Rs.25,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
A-3	u/s. 120-B r/w 420, 419, 467, 467 r/w 471 IPC, 468, 468 r/w 471 IPC and sec.13 (2) r/w 13 (1) (d) of PC Act, 1988.	To undergo **R.I for 7** years and to a fine of **Rs.26,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
A-4	u/s. 120-B r/w 420, 419, 467, 467 r/w 471 IPC, 468, 468 r/w 471 IPC and (2) r/w 13 (1) (d) of PC Act 1988.	To undergo **R.I for 7** years and to pay a fine of **Rs.24,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
A-6	u/s. 120-B r/w 420, 419, 467, 467 r/w 471 IPC, 468, 468 r/w 471 IPC and sec.13 (2) r/w 13 (1) (d) of PC Act, 1988.	To undergo **R.I for 7** years and to pay a fine of **Rs.56,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
A7&A8	u/s. 120-B r/w 420, 419, 67, 467 r/w 471 IPC 468, 468 r/w 471 IPC and sec.13 (2) r/w 13 (1) (d) of PC Act 1988.	to undergo **R.I for 7** years each and to pay a fine of **Rs.50,000/-** each and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to a fine of **Rs.50,000/-** and in default to undergo S.I for **3 months.**
A-2	u/s. 419 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.25,00,000/-** and in default to undergo S.I for	To undergo **R.I for 1** year and to pay a fine of **Rs.50,000/-** and in default to undergo S.I for **1 month.**

Accused	*Offences under Section*	*Conviction and Sentence passed by the Trial Court*	*Conviction and Sentence modifies by this Court*
		one year.	
	u/s. 468 IPC	to undergo **R.I for 7** years and to pay a fine of **Rs.25,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 month.**
	u/s. 468 r/w 471 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.25,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
	u/s. 467 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.25,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
	u/s. 467 r/w 471 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.25,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
	u/s. 420 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.25,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
A-3	u/s. 468 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.26,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
	u/s. 468 r/w 471 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.26,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
	u/s. 467 IPC	To undergo **R.I for 7** years	To undergo **R.I for 2** years

Accused	*Offences under Section*	*Conviction and Sentence passed by the Trial Court*	*Conviction and Sentence modifies by this Court*
		and to pay a fine of **RS.26,00,000/-** and in default to undergo S.I for one year.	and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
	u/s. 467 r/w 471 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.26,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
	u/s. 420 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.26,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
A-4	u/s. 419 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.24,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 1** year and to pay a fine of **Rs.50,000/-** and in default to undergo S.I for **1 month.**
	u/s. 468 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.24,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
	u/s. 468 r/w 471 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.24,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
	u/s. 467 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.24,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
	u/s. 467 r/w 471 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.24,00,000/-** and in default to undergo S.I for	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3**

Accused	***Offences under Section***	***Conviction and Sentence passed by the Trial Court***	***Conviction and Sentence modifies by this Court***
		one year.	**months.**
	u/s. 420 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.24,00,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
A-6	u/s. 468 IPC	To undergo **R.I for 7** years and to pay a fine of **Rs.56,00,000/-** and in default undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
	u/s. 468 r/w 471 IPC	To undergo **R.I for 7** years and o pay a fine of **Rs.56,00,000/-** and in default undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.1,00,000/-** and in default to undergo S.I for **3 months.**
A7 & A8	u/s. 420 IPC	To undergo **R.I for 7** years each and to pay a fine of **Rs.50,000/-** each and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.50,000/-** each and in default to undergo S.I for **3 months.**
A1	u/s. 13 (2) r/w 13 (1) (d) of PC Act 1988	To undergo **R.I for 7** years and to pay a fine of **Rs.50,000/-** and in default to undergo S.I for one year.	To undergo **R.I for 2** years and to pay a fine of **Rs.50,000/-** and in default to undergo S.I for **3 months.**

53. With the above modification in sentence, ***these Criminal Appeal Nos.260 & 269 of 2013 are partly allowed.*** The judgment of conviction passed by the trial Court in C.C. No.17 of 2003 on the file of the XI Additional Special Judge (CBI cases relating to Banks and Financial Institutions), Chennai dated 02.04.2013 is partly set aside. The trial Court is directed to secure the accused and commit them to the prison to undergo the remaining period of sentence. The period of substantive sentence shall run concurrently. The period of imprisonment already undergone by the accused shall be set off under Section 428 of Cr.P.C.

15.09.2023

Internet : Yes/No
Index : Yes/No
bsm

To
1. The XI Additional Special Judge (CBI cases relating to Banks and Financial Institutions), Chennai.
2. The Inspector of Police, CBI, Chennai.
3.The Pubic Prosecutor, High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN, J.

bsm

Pre-delivery common judgment made in
Crl.A.Nos.260 & 269 of 2013

15.09.2023