



Crl.A.No.425 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.A.No.425 of 2016

1.A.Mathivanan(died)

(Charges against the 1st appellant/A1 is
abated as per Court order dated 07.02.2023
in Crl.A.No.425 of 2016)

2.G.Surekha

... Appellants/A1 & A2

Vs.

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

... Respondent

PRAYER: The Criminal Appeal is filed under Section 374 of Cr.P.C., to
set aside the judgment delivered by the learned XII Additional Special
Judge for CBI cases at Chennai in C.C.No.21 of 2007 dated 27.05.2016.

For 2nd Appellant : No appearance

For Respondent : Mrs.G.Vrinda Ramesh for
Mr.K.Srinivasan,
Special Public Prosecutor for CBI Cases



Crl.A.No.425 of 2016

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JUDGMENT

The appellants, who are accused in RC.27/A/2007/CBI/ACB/Chennai for the offences punishable under Section 109 IPC and 13(2) read with 13(1)(e) of Prevention of Corruption Act, 1988, have found guilty by the XII Additional Special Judge for CBI cases at Chennai in C.C.No.21 of 2007 and by judgment dated 27.05.2016 convicted A1 for the offence under Section 13(2) read with 13(1)(e) of P.C., Act and sentenced to undergo rigorous imprisonment for two years and also to pay a fine of Rs.5,000/-, in default to undergo simple imprisonment for two months and convicted A2 for the offences under Section 109 IPC read with Section 13(2) r/w 13(1)(e) of P.C., Act, 1988 and sentenced to undergo rigorous imprisonment for one year and also to pay a fine of Rs.3,000/-, in default to undergo simple imprisonment for two months. Challenging the conviction and sentence rendered against them, the present criminal appeal has been filed.



Crl.A.No.425 of 2016

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2. During the pendency of the appeal, on 12.01.2023 it has been reported by the learned counsel for the appellant that the first appellant had passed away and later on, on 07.02.2023 on production of the death certificate in respect of the first appellant, this Court had already recorded that the charges against the first appellant/A1 viz., A.Mathivanan are abated.

3. Subsequently, since there was no appearance for the second appellant, this Court, by an order dated 01.03.2023, had cancelled the vakalath for the second appellant and had also cancelled the suspension of sentence granted to the second appellant/A2.

4. Thereafter, this Court, by an order dated 08.03.2023, had directed the Special Public Prosecutor appearing for the CBI to verify the whereabouts of the second appellant/A2. On 25.09.2023, after due verification, it had been reported before this Court that the second appellant/A2 died due to Covid-19.



Crl.A.No.425 of 2016

WEB COPY

5. Today, Death Certificate of the second appellant/A2 has been produced before this Court by the respondent. As per the Death Certificate, the second appellant viz., G.Surekha, W/o A.Mathivanan had expired on 06.08.2020 at Government Vellore Medical College Hospital, Vellore. The Death Certificate of the second appellant/A2 is taken on record.

6. Since both the appellants died, the charges levelled against them have abated and the Criminal Appeal stands dismissed as abated.

18.10.2023

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1. The XII Additional Special Judge for CBI cases,
Chennai
2. The Inspector of Police,
Namakkal Police Station, Namakkal.
3. The Deputy Superintendent of Police,
Namakkal, Namakkal District.
4. The Public Prosecutor,
High Court, Madras.



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Crl.A.No.425 of 2016

A.D.JAGADISH CHANDIRA,J.

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Crl.A.No.425 of 2016

18.10.2023