



CrI.R.C.No.346 of 2025

CrI.R.C.No.346 of 2025

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M.S.RAMESH,J.

AND

V.LAKSHMINARAYANAN,J.

Today, the matter is listed under the caption 'for being mentioned'.

2. In continuation of the earlier order of this Court dated 12.06.2025, paragraphs 6 and 14 of the order shall stand deleted and substituted as follows:-

“6. The only issue that requires to be determined is as to whether the sentence of 4½ years of rigorous imprisonment together with the fine of Rs.4,00,000/-, in default to undergo simple imprisonment for six months imposed by the Special Court, can be interfered with.”

“14. In the light of the above observations, the judgment of the learned XII Additional Special Judge for CBI Cases in Spl.C.C.No.7 of 2021, dated 30.09.2024, insofar as it awards the sentence of rigorous imprisonment of 4½ years, is modified to rigorous imprisonment of three years. The petitioner shall also undergo simple imprisonment for a further period of six months, in lieu of the fine amount of



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Cr.L.R.C.No.346 of 2025

Rs.4,00,000/- and thereby undergo a total period of 3½ years of imprisonment. The period of custody already undergone by the petitioner shall be set off under Section 428 Cr.P.C/468 of BNSS and shall undergo the remaining period of imprisonment only. In case the petitioner has already undergone the imprisonment of 3½ years, he shall be set free forthwith, unless his presence is required in any other case. The Criminal Revision Case stands thus allowed. No costs.”

3. All other observations made in our earlier order dated 12.06.2025 shall remain intact.

[M.S.R, J.] [V.L.N, J.]
18.06.2025

Note: Registry is directed to issue fresh amended copy to those concerned today

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Crl.R.C.No.346 of 2025

M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

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Crl.R.C.No.346 of 2025

18.06.2025



CrI.R.C.No.346 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

CrI.R.C.No.346 of 2025

S.Kiyam Mohammed

...Petitioner

VS.

State represented by,
The Deputy Director,
Directorate of Enforcement,
Chennai Zonal Office – II,
Government of India,
5th Floor, III Block, B-Wing,
Shastri Bhavan, Haddows Road,
Chennai – 600 006.

...Respondent

Prayer: Criminal Revision Case filed under Section 438 r/w 442 of BNSS to set aside the judgment “sentenced to undergo rigorous imprisonment for a period of 4½ years and to pay a fine of Rs.4,00,000/- in default to undergo simple imprisonment for a period of 6 months” passed by the learned XII Additional Special Judge for CBI Cases, Chennai in Spl.C.C.No.7 of 2024 as against the petitioner by considering the period of incarceration and acquit the petitioner.



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Crl.R.C.No.346 of 2025

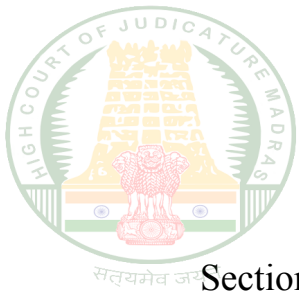
For Petitioner : Mr.K.Shivakumar

For Respondent : Mr.N.Ramesh
Special Public Prosecutor

ORDER

(Order of the Court was made by *M.S.RAMESH,J.*)

In the case in Spl.C.C.No.7 of 2021 on the file of the XII Additional Special Judge for CBI Cases, Chennai, charges were framed against a total of eight accused for the offence under Section 3 of Prevention of Money Laundering Act, 2022 [hereinafter referred to as “PMLA”] punishable under Section 4 of PMLA. Among the eight accused, the cases against A2 to A6 were split up and assigned with new C.C. Numbers. The petitioner herein has been arrayed as A7. Before the Special Court, A7 had filed a petition admitting to the above charge. In consequence to such admission, neither was any witness adduced nor was any document marked. The Trial Court, on the evidence on record, had recorded that there exists proceeds of crime and the concerned accused was involved in the process of activity connected therewith and thereby constituted the offence of money laundering. On the basis of such foundational facts, it had applied the legal presumption under Section 24 of PMLA and found him guilty under



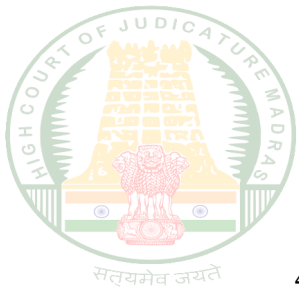
Crl.R.C.No.346 of 2025

WEB COPY

Section 258 of BNSS and thereby convicted under Section 4 of PMLA for having committed the offence under Section 3 of PMLA. Accordingly, he was sentenced to undergo rigorous imprisonment for 4½ years and to pay a fine of Rs.4,00,000/-, in default to undergo simple imprisonment for six months, through its judgment dated 30.09.2024, which is assailed in this revision.

2. In the present revision petition, the petitioner has not raised any grounds challenging the judgment on its merits, but has only made a sympathetic plea that the quantum of sentence to be modified as against the period of incarceration already undergone by him.

3. Section 4 of PMLA provides for punishment for money laundering with rigorous imprisonment for a term which shall not be less than three years and shall exceed up to seven years and shall be liable to be fined. The proviso to Section 4, which extends the maximum punishment to ten years for an offence specified under Paragraph 2 of Part-A of the Schedule, will not be applicable to the facts of this case.



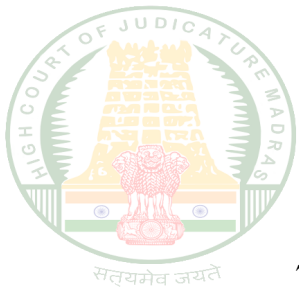
Crl.R.C.No.346 of 2025

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4. The learned counsel for the petitioner submitted that, by taking into account the gravity and seriousness of the offence and the criminal involvement recorded by the Special Court against the petitioner, the sentence of rigorous imprisonment of 4½ years and the fine was excessive. He also submitted that the petitioner's family is in severe financial crisis and it would be impossible for him to pay the fine amount of Rs.4,00,00/- and thereby sought for a lenient view in reducing the sentence.

5. Per contra, the learned Special Public Prosecutor would submit that the maximum sentence provided for under Section 4 is seven years and the Special Court has already taken into consideration the gravity and seriousness and has refrained from imposing the maximum punishment and thereby further reduction in the period of sentence was not desirable.

6. The only issue that requires to be determined is as to whether the sentence of 4 years of rigorous imprisonment together with the fine of Rs.4,00,00/-, in default to undergo simple imprisonment for six months imposed by the Special Court, can be interfered with.

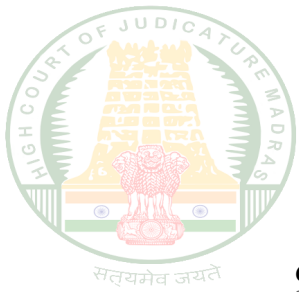


Crl.R.C.No.346 of 2025

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7. We are conscious of the fact that imposition of the sentence would be solely to the discretion of the Trial Court. However, such discretion, while awarding sentence, requires to be exercised in a judicious manner.

8. On this aspect, we may observe that it has been consistently held in several decisions of the Hon'ble Supreme Court that while awarding sentences, a Judge has a wide discretion within the statutory limits and therefore, there cannot be any uniformity in imposition of such offences. In the case of *State of Rajasthan Vs. Mohan Lal and Another* reported in **(2018) 18 SCC 535**, it has been held that while imposing the punishment, the Courts will have to take into account certain principles while exercising their discretion in sentencing, such as proportionality, deterrence and rehabilitation. In a proportionality analysis, it is necessary to assess the seriousness of an offence in order to determine the commensurate punishment for the offender. The seriousness of an offence depends, apart from other things, also upon its harmfulness.



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9. The Hon'ble Court in the case of ***Soman v. State of Kerala*** reported in (2013) 11 SCC 382, observed thus:-

“27.1. Courts ought to base sentencing decisions on various different rationales ? most prominent amongst which would be proportionality and deterrence.

27.2. The question of consequences of criminal action can be relevant from both a proportionality and deterrence standpoint.

27.3. Insofar as proportionality is concerned, the sentence must be commensurate with the seriousness or gravity of the offence.

27.4. One of the factors relevant for judging seriousness of the offence is the consequences resulting from it.

27.5. Unintended consequences/harm may still be properly attributed to the offender if they were reasonably foreseeable. In case of illicit and underground manufacture of liquor, the chances of toxicity are so high that not only its manufacturer but the distributor and the retail vendor would know its likely risks to the consumer. Hence, even though any harm to the consumer might not be directly intended, some aggravated culpability must attach if the



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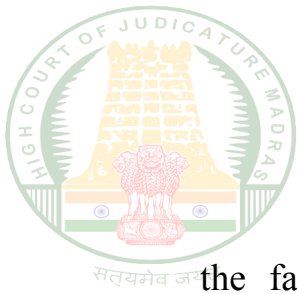
Crl.R.C.No.346 of 2025

consumer suffers some grievous hurt or dies as result of consuming the spurious liquor.?”

10. The same is the verdict of the Hon'ble Supreme Court in the case of ***Alister Anthony Pareira v. State of Maharashtra*** reported in (2012) 2 SCC 648, wherein it was observed as follows:-

“?84. Sentencing is an important task in the matters of crime. One of the prime objectives of the criminal law is imposition of appropriate, adequate, just and proportionate sentence commensurate with the nature and gravity of crime and the manner in which the crime is done. There is no straitjacket formula for sentencing an accused on proof of crime. The courts have evolved certain principles: the twin objective of the sentencing policy is deterrence and correction. What sentence would meet the ends of justice depends on the facts and circumstances of each case and the court must keep in mind the gravity of the crime, motive for the crime, nature of the offence and all other attendant circumstances.?”

11. On an overall appraisal of the aforesaid decisions, it could be said that the imposition of sentence by a Court would be determinable on



CrI.R.C.No.346 of 2025

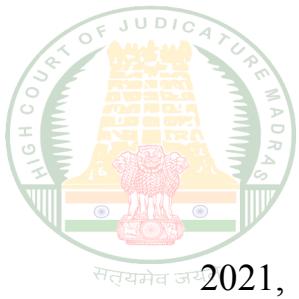
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the facts and circumstances of each case and would be within the discretion of the concerned Court.

12. In the instant case, the accused had pleaded guilty of the charges levelled against him and had refrained him from letting in any oral or documentary evidences. It is also his case that he has been under incarceration for more than three years and hails from a weaker section of the society and his family is struck with poverty.

13. By taking into account these facts and circumstances and in the light of the decisions of the Hon'ble Supreme Court referred by us above, we are of the view that if the sentence is modified to the minimum sentence of rigorous imprisonment of three years, together with a sentence to undergo six months of simple imprisonment, since the accused has expressed his inability to pay the fine amount of Rs.4,00,000/-, the ends of justice could be secured.

14. In the light of the above observations, the judgment of the learned XII Additional Special Judge for CBI Cases in Spl.C.C.No.7 of



Crl.R.C.No.346 of 2025

WEB COPY

2021, dated 30.09.2024, insofar as it awards the sentence of rigorous imprisonment of four years, is modified to rigorous imprisonment of three years. The petitioner shall also undergo simple imprisonment for a further period of six months, in lieu of the fine amount of Rs.4,00,00/- and thereby undergo a total period of 3½ years of imprisonment. The period of custody already undergone by the petitioner shall be set off under Section 428 Cr.P.C/468 of BNSS and shall undergo the remaining period of imprisonment only. In case the petitioner has already undergone the imprisonment of three years, he shall be set free forthwith, unless his presence is required in any other case. The Criminal Revision Case stands thus allowed. No costs.

[M.S.R, J.]

[V.L.N, J.]

12.06.2025

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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Note: Issue order copy on 16.06.2025



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CrI.R.C.No.346 of 2025

M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

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To

1.The XII Additional Special Judge
for CBI Cases, Chennai.

2.The Deputy Director,
Directorate of Enforcement,
Chennai Zonal Office – II,
Government of India,
5th Floor, III Block, B-Wing,
Shastri Bhavan, Haddows Road,
Chennai – 600 006.

3.The Superintendent of Prisons,
Central Prison-I, Puzhal,
Chennai – 600 066.

4.The Special Public Prosecutor,
High Court of Madras.

CrI.R.C.No.346 of 2025

12.06.2025