



CRL.A No. 804 of 2017

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2025

CORAM

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL A No. 804 of 2017

1. K.Gunasekaran, 54 Yrs,
S/o. Krishnankutty Nayar, 114/c, Race
Course Road,Coimbatore-18. and
another

2.C.T.Thomas, 50 Yrs,
S/o. C.A.Thomas, No.D-4/402, Ashok
Nagar, Military Road, Marol, Antheri
West, Mumbai.

... Appellants

Vs

Inspector Of Police,
Central Bureau Of Investigation
(SPE,CBI,ACB), Chennai.
Cr.No.R.C.No.08(a)/0/2006.

... Respondent

PRAYER

Criminal Appeal filed under Section 374(2) of Cr.P.C.,Appeal to set aside the judgment on C.C.No.40 of 2008 dated 07.11.2017 on the file of the XIII Additional Special Court, CBI Cases, Chennai.



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For Appellants : Mr.T.Muruganantham

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor
For CBI Cases

JUDGMENT

There are other two appeals in this case. Already the second appellant has since passed away and the said fact was recorded even in the judgment of this Court dated 30.08.2022 in Crl.A.Nos.741 and 805 of 2017 and as such this appeal with reference to the second appellant viz., C.T.Thomas is treated as having abated.

2. As far as the first appellant is concerned, even in Paragraph 121 of the judgment in appeal, it can be seen that this appellant and other accused were tried in two cases viz., C.C.No.39 and 40 of 2008. Though separate sentences were imposed in both the judgments, it is ordered that the sentence has to be undergone concurrently in respect of both cases. Even while disposing of the appeal as against the connected C.C.No.39 of 2008, in Paragraph No.54 this Court has recorded as under:



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" 54. In view of the forgoing reasons, the Criminal Appeal filed by the appellant / A4 is partly allowed, confirming the conviction modifying the sentence imposed by the trial Court with regard to Charge No.5, for offence under Section 511 r/w 420 IPC., and Charge No.6, for the offence under Section 468 r/w 471 IPC. Hence, this Court is inclined to modify the sentence of imprisonment alone. It is seen that the appellant / A4 had already served incarceration for more than two years during trial, and pending appeal. The period of sentence already undergone by A4 is ordered to be set off, as provided under Section 428 of Cr.P.C."

3. Thus, it can be seen that the first appellant has been under incarceration for more than two years. Therefore, the maximum sentence that is imposed in this case being two years has already been undergone by the first appellant and the fine amount is stated to be paid.

4. In view thereof, the learned counsel would submit that the appellant would be satisfied if it is recorded that the first appellant has undergone the sentence and his custody is no more required and the appeal be disposed of.



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Accordingly, recording that the second appellant has since passed away, this appeal stands abated insofar as the second appellant viz., C.T.Thomas and since the first appellant has undergone the sentence and paid the fine amount, his custody is not required any more and this appeal stands disposed of.

18-06-2025

KST

Index:No

Speaking order

Internet:Yes

Neutral Citation: No

To

1.The XIII Additional Special Court,
CBI Cases, Chennai

2.The Inspector of Police
Central Bureau Of Investigation
(SPE, CBI,ACB), Chennai.
Cr.No.R.C.No.08(a)/0/2006.

3.The Public Prosecutor
High Court, Madras.



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D.BHARATHA CHAKRAVARTHY J.

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