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CRL A No.275 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-01-2026

CORAM

**THE HONOURABLE MR JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

CRL A No.275 of 2022

Union of India rep by its
Superintendent of Police
National Investigation Agency, Chennai

Appellant

Vs

1. Thiruselvam @ Kumar @ Sankar @
Murali @ Murasu @ Kannan
S/o Raman
No.74, Vasuki Street, Villapuram
Madurai District
Permanently at Koomathipatti
Bhaganeri Post, Kallal Police Station
Limits, Karaikudi Taluk
Sivagangai District
- 2.Thangaraj @ Thamizharasan
S/o Mani
Presently residing at
No.29, AGS Officers Colony
Alwarthirunagar, Chennai
Permanently at Bhavanakottai
Devakottai Taluk, Sivaganga District
Tamil Nadu
- 3.Kaviarasan @ Raja
S/o Ganesan
Anadkudi Village
Thiruvengampatthu Post



Devakottai Taluk
Sivagangai District

4.Kalailingam @ Kalai

S/o Ramar
Koomathipatti, Bhaganeri Post
Kallal Police Station Limits
Karaikudi Taluk, Sivagangai District

5.Karthik @ Aadhi @ Jeeva

S/o Vijayan
Presently Residing at
59/60, Jaihind Puram
Solai Alagarpuram 3rd Street
Madurai
Permanently residing at 270A,
Periyar Street, Thanigai Nagar,
2nd Street, Thirunagar
Madurai District

6.John Martin @ John @ Illanthanai

S/o Arokiam
Odaikkal Village, Sanaveli Post
Thiruvadanai
Ramanathapuram District

Respondents

Memorandum of Grounds of Criminal Appeal filed under Section 21 of the National Investigation Agency Act, 2008 to enhance the sentence imposed upon the respondents herein in Special Sessions Case No.5 of 2014 dated 04.02.2022 on the file of the learned Principal Sessions Judge/Special Judge for NIA Cases, Puducherry and direct the sentence to run consecutively, instead of concurrently.

For Appellant: Mr.E.Chandrasekaran
Special Public Prosecutor for
NIA cases

For Respondents: Mr.P.Pugalenthil for
R1 to R3, R5 and R6
Mr.R.Sankarasubbu for R4

**JUDGMENT****(Judgment of the Court was made by P.Velmurugan J.)**

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1.1. The appellant registered the case in R.C.No.01/2014/NIA of Hyderabad against the respondents herein on the ground that all of them have been the members of the notified banned terrorist organisation viz., Tamilnadu Liberation Army (TNLA) and were leading an underground life for their anti-social, anti-national and criminal activities. In order to show their vengeful protest against the policies of the Union Government, the respondents, while targeting the law makers, more particularly, against two former Union Ministers Mr.V.Narayanasamy and Mr.P.Chidambaram, entered into a criminal conspiracy to plant and explode pipe bombs in different places in Tamil Nadu and Puducherry. Accordingly, with a criminal intent, they chose Puducherry as the first place to execute their plan of planting pipe bomb to commemorate the death anniversary of their comrades Tamizharasan and Muthukumaran and on 29.01.2014, they planted the pipe bomb containing explosive substances filled in a cylindrical metal pipe of about one foot in length and four inches in diameter, closed and fitted at both the ends with cap-nuts and attached fuse wire, beneath the car with Regn.No.PY-01-BT-9595 parked in front of the residential house of Mr.V.Narayanasamy, former Union Minister apparently with a view to endanger the life of the Minister, his family members and also the general public. Fortunately, the unexploded explosive device with half-



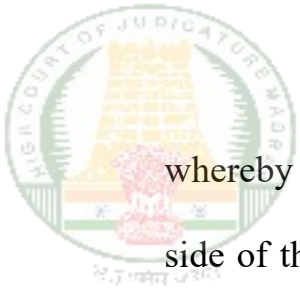
1.3. In furtherance of their criminal conspiracy, the respondents had planted yet another similar type of pipe bomb on 04.02.2014 at the outer compound wall of the residential house of the then Union Minister Mr.P.Chidambaram and the same exploded mildly causing minimal damage to the compound wall. They also threw some printed pamphlets in the name of the banned organisation in the premises. Hence, a case in Crime No.10 of 2014 was registered by the Nachiyapuram Police Station, Sivaganga on 25.02.2014 against them. This case was later committed to the Court of Session, Sivaganga



in S.C.No.133 of 2014 and subsequently tried by the Special Court for Bomb Blast Cases, Poonamallee in Special S.C.No.7 of 2017 convicting the respondents for the offences and sentencing them to undergo rigorous imprisonment for a period of 5 years, as stated therein.

2. The present appeal concerns with the case registered in R.C.No.01/2014 on the file of National Investigation Agency, Hyderabad against the respondents. In this case, after completion of formalities under Section 207 of Cr.P.C., the respondents were arrayed as Accused Nos.1 to 6 and were tried in Special Sessions Case No.5 of 2014 on the file of the learned Special Judge for N.I.A. Cases at Puducherry for the charges under Section 120-B IPC read with Sections 3 & 4 of the Explosive Substances Act, 1908; Sections 16(1)(b), 18, 20 & 23 of the Unlawful Activities (Prevention) Act, 1967. During the course of trial, in order to substantiate the charges framed against the respondents/accused, on the side of the prosecution, PW1 to PW51 were examined and Exhibits P1 to P62 were marked, besides MO1 to MO9-material objects.

3. After completion of examination of the prosecution witnesses, the incriminating materials were culled out from the evidence of the prosecution witnesses and put to the respondents/accused under Section 313 of Cr.P.C,



whereby they admitted their guilt and pleaded lesser sentence. However, on the side of the defence, neither oral nor documentary evidence was produced. The trial Court, after considering the evidence let in by the prosecution during the course of trial, besides the plea of guilt admitted by the respondents/accused themselves, held that the prosecution had proved its case beyond reasonable doubt and accordingly found the respondents/accused guilty of all the offences charged against them. The trial Court, taking into account that the occurrence in all the three cases took place pursuant to the conspiracy hatched by the accused persons and was a continuous action and thus the accused persons are entitled to the benefit of Section 427 Cr.P.C., has convicted and sentenced the respondents/accused to undergo the period of sentence as shown hereunder:-

“(a) A1 is convicted and sentenced to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 120-B IPC r/w Sec. 3 and 4 of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 4 (a) of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 16 (1) (b) of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 18 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for



one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 20 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 23 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year;

(b) A2 is convicted and sentenced to undergo Rigorous Imprisonment of 5 (five) years for the offence U/s 120-B IPC r/w Sec. 3 and 4 of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 5 (five) years for the offence U/s 4 (a) of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 5 (five) years for the offence U/s 16 (1) (b) of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 5 (five) years for the offence U/s 6 of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 5 (five) years for the offence U/s 18 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 5 (five) years for the offence U/s 20 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 5 (five) years for the offence U/s 23 of Unlawful Activities (Prevention) Act,



1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year;

(c) A3 is convicted and sentenced to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 120-B IPC r/w Sec. 3 and 4 of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 4 (a) of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 4 (b) (I) of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 16 (1) (b) of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 18 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 20 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 23 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year;

(d) A4 is convicted and sentenced to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 120-B IPC r/w Sec. 3 and 4 of Explosive Substances Act, 1908 and to pay



a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 4 (a) of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 6 of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 16 (I) (b) of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 18 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 20 of 118 Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 23 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year;

(e) A5 is convicted and sentenced to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 120-B IPC r/w Sec. 3 and 4 of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 4 (a) of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the



offence U/s 4 (b) (I) of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 16 (I) (b) of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 18 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 20 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 23 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year;

(f) A6 is convicted and sentenced to undergo Rigorous Imprisonment of 7 (seven) years 7 (seven) years for the offence U/s 120-B IPC r/w Sec. 3 and 4 of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 4 (a) of Explosive Substances Act, 1908 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 6 of Explosive Substances Act, 1908; and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 16 (I) (b) of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for



one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 18 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 20 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year; to undergo Rigorous Imprisonment of 7 (seven) years for the offence U/s 23 of Unlawful Activities (Prevention) Act, 1967 and to pay a fine of Rs.500/- in default to undergo R.I. for one year;

Total fine amount is Rs.20,500/-.

All the sentences were ordered to run concurrently as per Section 427 Cr.P.C. along with the sentence passed in Special S.C.No.7 of 2017 on the file of Special Court, Bomb Blasts Cases, Poonamalle, since the conspiracy in all the three cases are from the same place. The period of detention already undergone by the accused are ordered to be set off U/s 428 of Cr.P.C., since all the three incidents are connected to each other.”

4. Challenging the conviction and sentence, the respondents/accused have not chosen to file any appeal. However, the National Investigation Agency has filed the present appeal challenging the quantum of sentence awarded by the trial Court.

5. The learned Special Public Prosecutor appearing on behalf of the



appellant submitted that when the respondents/accused have been charged for the offences under the Unlawful Activities (Prevention) Act, 1967 and the Explosive Substances Act, 1908, which are grave and serious in nature having an impact on the society at large as well as the national security and communal harmony of the nation, in their act of entering into a conspiracy to take away the lives of the political leaders of this country, more particularly, to take away the life of former Union Minister Mr.P.Chidambaram, for which the case was tried in Special Sessions Case No.7 of 2017 by the Special Court for Bomb Blast Cases, Poonamallee and the same also ended in conviction and sentence imposed on all the accused for the offences stated therein, the trial Court in this case, after accepting the admission of guilt by the respondents/accused themselves and after finding that the prosecution has proved its case beyond all reasonable doubt, ought to have awarded the maximum punishment of life imprisonment provided under the Act to all the accused. Instead, the trial Court has awarded only 5 years of imprisonment to A2 and 7 years of imprisonment to other accused and therefore the appellant has filed the present appeal for enhancement of sentence and also challenging the finding of the trial Court that the sentences imposed in Special Sessions Case No.5 of 2014 are to run concurrently as per Section 427 Cr.P.C with the sentences imposed in Special Sessions Case No.7 of 2017 by the Special Court for Bomb Blast Cases, Poonamallee.



6. The learned Special Public Prosecutor would further submit that the subject matter of the present appeal is entirely different with the Special Sessions Case No.7 of 2017 decided by the Special Court for Bomb Blast Cases, Poonamallee, since separate criminal cases were registered and the investigation was also conducted separately and that the charge sheets were also filed separately in respect of each incident. Moreover, the cases were taken on file by different Courts and the evidence were recorded separately. When the case in Special Sessions Case No.7 of 2017 was tried separately by the Special Court for Bomb Blast Cases, Poonamallee and the conviction was recorded against all the accused, there was no appeal against the said conviction and sentence by the accused. Since the present case, which is the subject matter of appeal, has also been tried separately on different cause of action on merits and in accordance with law, the learned trial Judge, while convicting and sentencing the accused, has awarded only the minimum sentence. Not stopping with this, the learned trial Judge has also extended the benefit to the accused in ordering the sentences to run concurrently, as per Section 427 of Cr.P.C, along with the sentences imposed in Special Sessions Case No.7 of 2017 on the file of the Special Court for Bomb Blast Cases, Poonamallee, which is against criminal jurisprudence and the same is liable to be set aside by allowing the appeal. In support of his contentions, the learned Special Public Prosecutor has placed reliance on the following decisions:-



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(i) Judgment of Apex Court in Criminal Appeal No.253 of 2017 dated 02.08.2017 (Neera Yadav v. Central Bureau of Investigation)

(ii) Judgment of Apex Court in Criminal Appeal No.1457 of 2021 dated 07.12.2021 (Mohd Zahid v. State through NCB)

(iii) Judgment of Apex Court in the case of State of Uttar Pradesh v. Chandrika reported in (1999) Supp.4 S.C.R. 239

(iv) Judgment of Apex Court in the case of State of Maharashtra v. Sukhdeo Singh and another reported in AIR 1992 SC 2100

(v) Judgment of Apex Court in the case of Mohd. Akhtar Hussain alias Ibrahim Ahmed Bhatti v. Assistant Collector of Customs (Prevention), Ahmedabad and others reported in (1988) Supp.2 S.C.R. 747

7. Per contra, the learned counsel appearing on behalf of the respondents/accused would submit that though three criminal cases were registered and three different charge sheets were filed in three different Courts pertaining to one cause of action, the learned trial Judge, considering the nature of offences committed by the respondents/accused and also their admission of guilt and since there was also no loss of lives, has awarded the minimum sentence, which has been ordered to run concurrently by invoking Section 427 of Cr.P.C. Therefore, the respondents/accused have not filed any appeal against both the conviction and sentence awarded in this case as well as in Special Sessions Case No.7 of 2017 on the file of the Special Court for Bomb Blast Cases, Poonamallee. When the respondents/accused have accepted their guilt,



even though three different cases were registered against them and whereas the version of the prosecution is one and the same in all the cases, whether the sentence shall run concurrently or consecutively, is purely the discretion exercised by the Court and therefore the present appeal itself is not maintainable and the same is liable to be dismissed.

8. We have heard the submissions made by the learned Special Public Prosecutor for the appellant and the learned counsel for the respondents and perused the materials available on record.

9. Admittedly, the case was registered by the appellant against the respondents/accused in R.C.No.01/2014 of N.I.A., Hyderabad, which was later tried by the learned Special Judge for N.I.A. Cases, Puducherry in Special Sessions Case No.5 of 2014 for the offences charged against each of the accused. While questioning the accused under Section 313 of Cr.P.C as to the incriminating materials put against them, the respondents had accepted the case of the appellant and also the evidence let in by the prosecution and that they have further pleaded guilty of the offences charged. Therefore, this Court need not elaborate the evidence of the prosecution witnesses and also the finding regarding the conviction is in order or not, in this case. Upon reading of the entire materials and also the acceptance of guilt by the respondents themselves



for the charges framed against them, this Court, exercising appellate jurisdiction, finds that the prosecution has proved its case beyond all reasonable doubt through substantial evidence.

10. Now the National Investigation Agency has filed the present appeal challenging the quantum of sentence awarded by the trial Court. However, a reading of the entire materials would show that the respondents were involved in two other criminal cases targeting the lives of two former Union Ministers of this country. Fortunately, there was no loss of lives since the bombs came to be defused. Even in the other case tried in Special Sessions Case No.7 of 2017 on the file of the Special Court for Bomb Blast Cases, Poonamallee, based on the materials and also the admission of guilt, the Court convicted the accused and awarded the minimum sentence of 5 years on them. Neither the National Investigation Agency nor the accused had challenged the said judgment of conviction and sentence. Moreover, that case was tried by Court below in the State of Tamil Nadu. Whereas in the subject matter of appeal, the trial was conducted in the Union Territory of Puducherry and the materials on record would show that the respondents/accused have committed the offence and the prosecution also proved its case beyond all reasonable doubt, besides the admission of guilt by the respondents themselves. Therefore, regarding the conviction, this Court need not give any reasoning, which remains



unchallenged. So far as the sentence is concerned, since the respondents involved in two other cases of similar nature and the charges are also serious and grave and that though the Act prescribed the minimum sentence of seven years, as already stated, even before executing the plan of conspiracy, the cases were registered and the prosecution, after completion of investigation, laid the charge sheets. On completion of trial, the trial Court found that since the charges framed against the respondents/accused were proved beyond all reasonable doubt, they were convicted for the offences and were awarded the minimum sentence. This Court also, while re-appreciating the evidence and the circumstances of the case, finds that the award of minimum sentence of 7 years on the respondents/accused would meet the ends of justice. In view of this finding, the appeal so far as the enhancement of sentence is concerned, stands dismissed.

11. However, the appellant is also aggrieved by the judgment of the trial Court in ordering the sentences to run concurrently by invoking Section 427 of Cr.P.C. As already stated, though all the three cases are similar in nature pursuant to the conspiracy hatched by the accused and the cases came to be registered at different places, the appellant as a prosecuting agency has not filed any application to club all the three cases to be tried together by one Court, either at the stage of investigation or at the stage of trial. The respondents also



accepted all the charges framed against them by different Courts and also pleaded guilty. Therefore, now they cannot say that they are one and the same and also arising out of the same cause of action. When the Special Court for Bomb Blast Cases, Poonamalle has already tried the case in Special Sessions Case No.7 of 2017 and confirmed the guilt of the respondents and thereby awarded the sentence of 7 years to be undergone by the accused persons and the same was not under challenge and now the learned trial Judge, though tried the case separately for separate cause of action, while awarding sentence, considering it as same/similar, has ordered the sentence to run concurrently with the sentence imposed in Special Sessions Case No.7 of 2017 on the file of the Special Court for Bomb Blast Cases, Poonamallee, which is against the law for exercise of discretion under Section 427 of Cr.P.C. Since Special Sessions Case No.5 of 2014 was tried separately for the charges framed against the accused, the sentences awarded in both the cases cannot be ordered to run concurrently. The judgment of conviction and sentence imposed in Special Sessions Case No.7 of 2017 is nothing to do with the conviction and sentence passed in Special Sessions Case No.5 of 2014. Therefore, that portion of the judgment directing the sentence to run concurrently is alone set aside and the appeal stands partly allowed. Needless to state that the sentence of imprisonment awarded to the respondents/accused in Special Sessions Case No.5 of 2014 shall commence upon expiration of the sentence of imprisonment



awarded to the respondents/accused in re-numbered Special Sessions Case No.7 of 2017. However, the period of detention already undergone by the accused in the present case in Special Sessions Case No.5 of 2014 is ordered to be set off under Section 428 of Cr.P.C.

12. With the above observation, the appeal stands partly allowed.

(P.VELMURUGAN J.) (M.JOTHIRAMAN J.)
05-01-2026

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

ss

To

1. The Principal Sessions Judge/Special Judge for N.I.A Cases, Puducherry
2. The Superintendent of Police
National Investigation Agency, Chennai
3. The Special Public Prosecutor
for NIA Cases, Chennai



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**P.VELMURUGAN J.
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