

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.884 OF 2007

M.UNNIKRISHNAN

..APPELLANT (S)

VERSUS

SPECIAL POLICE ESTABLISHMENT,
C.B.I., COCHIN & ANR.

..RESPONDENT (S)

O R D E R

1. This appeal is directed against the judgment and order passed by the High Court of Kerala at Ernakulam in Criminal Appeal No.161 of 1999(B), dated 01.06.2006.

2. The brief facts of the case are that the appellant while working as Special Assistant in the State Bank of Travancore, Guruvayoor Branch from June, 1993 to January, 1995 allegedly on three occasions embezzled a total amount of Rs.3,500/ by withdrawing it from his SB account by presenting withdrawal slips but omitted to debit the same in the

ledger of his accounts. Thus, he abused the official position as public servant for getting monetary benefit for himself.

3. The case was registered on the basis of the sleuth information to the CBI, Cochin. After obtaining necessary sanction from the competent authority, a charge was laid before the Court of Special Judge, CBI, SPE, Ernakulam. The Trial Court after detailed consideration of the evidence found the appellant guilty and convicted him for the offence punishable under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 (for short, "the Act") and also for the offence under Sections 420 and 477A of the Indian Penal Code and sentenced to undergo rigorous imprisonment for a term of one year each with a direction that both the sentences shall run concurrently.

4. Aggrieved by the order of conviction and sentence passed by the Trial Court, the appellant

approached the High Court. By the impugned judgment and order, the High Court re-appreciated the entire evidence on record and concluded that there was sufficient evidence on record to establish that the appellant had abused his official position as a public servant and obtained pecuniary advantage for himself by cheating the bank with fraudulent and dishonest intention, inducing the bank officials to deliver to him the amount and, therefore, dismissed the appeal confirming the order passed by the Trial Court.

5. Aggrieved by the judgment and order passed by the High Court, the appellant is before us in this appeal.

6. We have heard learned counsel for the parties to the *lis*.

7. After going through the judgments and orders passed by the High Court and the Trial Court as well

as the material available on record, we do not see any infirmity in the impugned judgment and order passed by the High Court. The Criminal Appeal is dismissed, accordingly.

8. The appellant is directed to surrender within one month to serve out the remaining period of sentence.

Ordered accordingly.

.....CJI.
(H.L. DATTU)

.....J.
(V.GOPALA GOWDA)

.....J.
(AMITAVA ROY)

NEW DELHI
SEPTEMBER 02, 2015.

ITEM NO.12

COURT NO.1

SECTION IIB

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 884/2007

M.UNNIKRISHAN

Appellant(s)

VERSUS

SPL. POLICE ESTABLISHMENT CBI, COCHIN&ANR

Respondent(s)

(with office report)

Date : 02/09/2015 This appeal was called on
for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE V. GOPALA GOWDA
HON'BLE MR. JUSTICE AMITAVA ROY

For Appellant(s) Mr. K. Rajeev, Adv.

For Respondent(s) Ms. Vibha Datta Makhija, Sr. Adv.
Mr. R. Balasubramanian, Adv.
Mr. T.A. Khan, Adv.
Mr. B.V. Balram Das, Adv.

Mr. N. Ramachandran, Adv.
Ms. Bina Madhavan, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the
signed order.

In view of the above, pending
application(s), if any, are also disposed of.

(Neetu Khajuria)
Sr.P.A.

(Vinod Kulvi)
Assistant Registrar

(Signed order is placed on the file.)