

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. 296 OF 2008

P.M. DHANRAJ . . . APPELLANT

Versus

INSPECTOR OF POLICE, C.B.I./S.P.E. . . . RESPONDENT

ORDER

At the relevant time, the appellant was posted as Aerodrome Officer at Gannavaram Airport, Vijayawada. In his capacity as Aerodrome Officer, he was also the Drawing and Disbursing Officer of Gannavara Airport and was responsible for receipt and disbursement of cash maintenance of account books, register etc. On 24.12.1993, an investigation was conducted by one R. Veeraswamy, Deputy Director (Finance) whereby it was revealed that the appellant had sent one Imprest Account Bill No. 8/91-92 for Rs. 65,230.15 along with vouchers to Regional Accounting Unit, Madras for recoupment. Against the said bill, Regional Accounting Unit, Madras sent Rs. 50,000/- as advance payment and the balance amount of Rs. 15.230.15 was sent by way of demand

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draft bearing No. 440557 dated 6.12.1991 and the said demand draft was received by the appellant at Gannavaram Airport on 12.12.1991. However, instead of accounting for the same in the Imprest Cash Book, the appellant kept the same encashed and kept the cash with him. On this basis, charge of misappropriation was levelled against him.

2. The trial court framed charge under Sections 409 IPC and 13(1)(c) r/w 13(2) and 13(1)(d) r/w Section 13(2) of the Prevention of Corruption Act, 1988. The trial court found the appellant guilty of the aforesaid offences and sentenced him to undergo one year rigorous imprisonment and to pay a fine of Rs. 1000/-. In default of making the payment of fine,

the appellant was to suffer 3 months simple imprisonment for each of the sentences.

3. Against the judgment and order of trial court, the appellant preferred an appeal before the High Court. The High Court has also dismissed the appeal vide impugned judgment dated 21.9.2007.

4. Questioning the validity of the impugned judgment, the appellant preferred Special Leave Petition in this Court in which leave was granted. The present appeal arises out of the

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said Special Leave Petition.

5. The facts mentioned above are not in dispute. It is, thus, an admitted fact that demand draft of Rs. 15230.15, which was received by the appellant in his official capacity i.e. in the name of "Aerodrome Officer" was not deposited in the bank account which was maintained in the name of "Aerodrome Officer" but was encashed by him. The only explanation furnished by the appellant was that the appellant being the Drawing and Disbursing Officer was also incurring day to day expenses and for this purpose, he was entitled to keep some imprest money with him. Therefore, the aforesaid demand draft was encashed for incurring some future expenditure by way of imprest money. However on a query put by this Court to Mr. Subramonium Prasad, learned counsel for the appellant as to what is the amount of imprest money which the appellant could use, Mr. Subramonium Prasad could not answer the query. It was also fairly conceded at the time of arguments that no account of incurring the expenditure against the aforesaid amount was furnished immediately and in this manner, the appellant failed to connect the aforesaid amount with any expenditure.

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Therefore, we are of the opinion that the theory of keeping the said amount as imprest money was rightly not believed by the courts below.

6. As we have already pointed out above, the only proper course for the appellant was to deposit the said demand draft in the bank account which was being maintained in the name of "Aerodrome Officer". The encashment of the said demand draft by the appellant and keeping the same with him attracted the provisions of Section 409 IPC. Since the said amount was given to the appellant in his official capacity and he misappropriated the same by abusing his official position, it would also attract the provisions of Prevention of Corruption Act, 1988.

7. We do not find any merit in this appeal which is, accordingly, dismissed.

.....J.  
(Dr. B.S. CHAUHAN)

.....J.  
(A.K. SIKRI)

NEW DELHI;  
May 22, 2014.

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ITEM NO.102

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Criminal Appeal No(s). 296/2008

P.M.DHANRAJ

Appellant(s)

VERSUS

INSPECTOR OF POLICE, C.B.I./S.P.E.,A.P.

Respondents(s)

[with appln. for bail and office report)

Date : 22/05/2014 This appeal was called on for hearing today

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE A. K. SIKRI  
[VACATION BENCH]

For Appellant(s) Mr. Subramonium Prasad , Adv.

For Respondent(s) Mr. K. Radhakrishnan, Sr. Adv.  
Mr. Rajiv Nanda, Adv.  
Mr. T.A. Khan, Adv. for  
Mr. B. Krishna Prasad , Adv.

UPON hearing the counsel the Court made the following

O R D E R

Criminal Appeal is dismissed in terms of signed order.

(PARDEEP KUMAR)

AR-cum-PS

[SIGNED ORDER IS PLACED ON THE FILE]

(M S NEGI)

ASSISTANT REGISTRAR