

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 4869 OF 2024
(@ SLP(CRL.) No. 15312/2023)**

HASHIM SHAMSHUDDIN

APPELLANT(S)

VERSUS

**STATE REPRESENTED BY THE INSPECTOR OF
POLICE, CBI, ACB, CHENNAI**

RESPONDENT(S)

WITH

**CRIMINAL APPEAL NO.4870 OF 2024
(@ SLP(Crl) No. 15497/2023)**

**CRIMINAL APPEAL NO.4871 OF 2024
(@ SLP(Crl) No. 1794/2024)**

O R D E R

1. Leave granted.
2. The appellants - Shanmugam and Masure have been convicted under the provisions of the Prevention of Corruption Act,

1988 as well as under the provisions of the Indian Penal Code, 1860. Whereas, the appellant - Hashim has been convicted for the offence punishable under Sections 120B, 420, 468 and 471 of the Indian Penal Code, 1860 alone.

3. The case against the appellants is that they were jointly involved with respect to fabrication of the document by way of committing cheating, which ultimately led to the loss of around Rs.8 Lakhs to be suffered by M/s Engine Factory, Avadi, Ministry of Defence, Chennai, Central Government.
4. We had issued a limited notice only with respect to the quantum of sentence alone.
5. We have perused the evidence available on record, and the conviction rendered by both the Courts does not warrant any interference, as the evidences have been rightly taken into consideration for rendering the conviction.
6. In compliance to the earlier order passed by this Court, the appellant - Hashim Shamshuddin has shown his bonafide by depositing a sum of Rs.10,00,000/- (Rupees Ten Lakhs) on the file of the Trial Court.
7. Taking into consideration the mitigating circumstances, including the fact that the occurrence is stated to have taken place in the year 2004, while upholding the conviction, we are inclined to modify the sentence to the effect that the appellants shall be present before the

Trial Court on 03.12.2024, and undergo imprisonment till the rising of the Court. Additionally, we are inclined to permit the M/s Engine Factory, Avadi, Ministry of Defence, Chennai to withdraw the said amount already deposited on the file of the Trial Court by way of compensation.

8. Accordingly, the appeals are allowed in part.
9. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[ARAVIND KUMAR]

NEW DELHI;
25th NOVEMBER, 2024

ITEM NO.30

COURT NO.11

SECTION II-C

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

Petition(s) for Special Leave to Appeal (Crl.) No(s). 15312/2023

[Arising out of impugned final judgment and order dated 21-09-2023 in CRLA No. 536/2013 passed by the High Court of Judicature at Madras]

HASHIM SHAMSHUDDIN

Petitioner(s)

VERSUS

STATE REPRESENTED BY THE INSPECTOR OF
 POLICE, CBI, ACB, CHENNAI Respondent(s)

(FOR ADMISSION and I.R.)

WITH

SLP(Crl) No. 15497/2023 (II-C)

(FOR ADMISSION and I.R., IA No. 218874/2023 - EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT, IA No. 221350/2023 - PERMISSION TO
 FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

SLP(Crl) No. 1794/2024 (II-C)

Date : 25-11-2024 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
 HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Parthiv Goswami, Sr. Adv.
 Mr. Parijat Kishore, AOR
 Ms. Mudita Arora, Adv.
 Mr. Ayush Saklani, Adv.

Mr. Puneet Jain, Sr. Adv.
 Mr. Mann Arora, Adv.
 Mrs. Akriti Sharma, Adv.
 Mr. Om Sudhir Vidyarthi, Adv.
 Mr. Shailendra Sharma, Adv.
 Ms. Christi Jain, AOR

For Respondent(s) Mrs. Archana Pathak Dave, A.S.G.
 Mr. Mukesh Kumar Maroria, AOR
 Ms. Shivika Mehra, Adv.
 Mr. Amit Sharma B, Adv.

Ms. Adya Jha, Adv.
Mr. B K Satija, Adv.

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

Leave granted.

The appeals are allowed in part in terms of the signed
order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)