

SUPREME COURT OF INDIA

Alistair

Vs.

State of Tamil Nadu

Crl.A.No.513 of 1996

(K.G. Balakrishnan CJI. and P. Sathasivam JJ)

05.02.2009

ORDER

1. These two appeals were filed against the judgment of the Designated Court NO.II, Madras (now Chennai) under the *Terrorist and Disruptive Activities (Prevention) Act, 1987* (hereinafter referred to as 'TADA Act'). The present six appellants were tried for the offences punishable under Sections 451, 381 read with 120-B of the Indian Penal Code and under Section 3(3) of TADA (P) Act. These appellants were acquitted of the offence under T.A.D.A. but they were found guilty of offences under Sections 451 and 381 read with Section 120-B of I.P.C. On both these counts, they were sentenced to undergo rigorous imprisonment for a period of three years each and the sentences were ordered to run concurrently.

2. These appellants were employees of Halliburton Offshore Services Inc.Company. They were carrying out the contract of offshore logging under the O.N.G.C. There was some dispute between the employees and the management over the transfer of A-1 to Bombay office and the appellants allege that PW 1, who was the Operations Manager of the company, was inimically having disputes towards these accused. The company was in possession of certain radio active resources to find out the resource of natural gas. The allegation against these appellants is that they have unlawfully trespassed into the workshop of the company and took away three radio active resources and thereby committed the offences as charged.

3. On 23rd September, 1993 these radio active resources were found missing from the office premises. On 24th September, 1993 PW 1 gave a complaint before the Station House Officer, Maduravayal police station. The Sub- Inspector of Police -PW 20 took up the investigation and these appellants were arrested thereafter. Later on the investigation was handed over to the C.B.C.I.D. and PW 26-Inspector of Police took over the investigation and he filed a report before the Court invoking the provisions of the TADA Act. The Superintendent of Police recorded the confessional statement the appellants 2,3 and 4 and pursuant to the confessions, certain recoveries were also effected and the three radio active resources were recovered and later on the final report was filed in the case. On behalf of the prosecution, 26 witnesses have been examined.

4. The appellants were found guilty on the basis of their confessions and also the recovery made pursuant to the statements made by the accused.

5. Heard both sides.

6. Learned counsel for the appellants contended that the materials adduced by the prosecution are not sufficient to find the appellants guilty. We do not find any force in the contention and the Designated Judge was justified in holding that the appellants had committed the offence and therefore, we confirm the conviction.

7. Though the articles so stolen were of serious nature but there is no case that these appellants had any ulterior motive except to cause some nuisance to the employer. It appears that due to transfer of A-1 to Bombay they had some grievance against the management. There is also no evidence to show that these appellants had stored the articles for the purpose of gaining any financial benefit nor did they make any attempt to sell away these articles to some others. We are told that the appellants have already undergone the sentence for more than 1 year and 9 months. Having regard to the facts and circumstances of the case, we feel that the period of imprisonment already undergone by the appellants is sufficient to meet the ends of justice. Therefore, we confirm the conviction but reduce the sentence to the period already undergone. The appellants are on bail and their bail bonds are discharged.

8. The appeals are disposed of accordingly.