

IN THE HIGH COURT OF SINDH AT KARACHI

Criminal Appeal No.341 of 2025

Before:

Mr. Justice Muhammad Iqbal Kalhoro

Mr. Justice Khalid Hussain Shahani

Appellant : Fahad Ahmed Khan S/o Sartaj Ahmed Khan
Through Mr. Muhammad Bilal Rashid
Advocate.

Respondent No.1: The State,
Through Mr. Irshad Ali, Assistant Attorney
General.

Date of hearing : 17.09.2026.

Date of judgment: 22.09.2026.

J U D G M E N T

KHALID HUSSAIN SHAHANI, J. – Appellant Fahad Ahmed Khan calls in question the judgment dated 03.05.2025 passed by the learned Judge, Special Court (Offences in Banks), Sindh at Karachi, in a Case bearing No.41 of 2014 arising out of FIR No.31 of 2014, registered on 09.06.2014 at Police Station FIA, Commercial Bank Circle, Karachi, for offences under sections 409, 420, 468, 471 and 109, P.P.C. By the impugned judgment the appellant was found guilty of the offences ultimately held proved under sections 409, 468, 471 and 477-A, P.P.C., read with Section 6(4) of the Offences in Respect of Banks (Special Courts) Ordinance, 1984, and was sentenced in the terms set out therein, with fine quantified at Rs.77,240,485/-. The substantive sentences were directed to run concurrently. Co-accused Muhammad Hanif and Syed Farhan Abbas Naqvi were acquitted. The appellant seeks setting aside of his conviction and sentences; alternatively, he has questioned the legality and severity of the punishment.

2. Succinctly, as per prosecution theory, during the year 2013-2014 a series of unauthorized debit and credit entries was generated in accounts maintained with NIB Bank Limited; genuine or apparently

genuine cheque leaves and deposit instruments were used as covers for transactions different from those appearing upon their face; and an aggregate amount of Rs.34,848,278/- together with USD 13,432 was dishonestly removed or diverted from the accounts of, inter alia, Sofia, Muhammad Ismail, Shahroz, Muhammad Javed Naz, Abdul Shakoor and Isabella Pauline Vellozo. The appellant was an officer/employee of the bank and, according to the prosecution, used the access, knowledge and opportunity attached to his position to facilitate or execute the impugned entries and their concealment in the books of the bank. The prosecution did not present the occurrence as one isolated withdrawal. Its case was of a connected course of manipulation revealed by the account ledgers, transaction record, instruments, deposit documents, internal verification and subsequent seizure by FIA.

3. The matter surfaced when discrepancies were noticed by the bank and affected customers. Muhammad Javed Naz, who held a mandate to operate the account of his father Muhammad Sadiq Naz, was called by bank officials at the Pakistan Chowk branch and asked to produce the cheque-book in his custody. On examination it was found that the relevant cheque leaves were intact whereas Rs.1,525,000/- stood withdrawn from the account. He thereafter approached the fraud department of the bank and attended the FIA office, where unused original cheque leaves bearing Nos.SA00100448 and SA00100438 were produced and seized. The production/seizure memo dated 27.06.2014 records the two original cancelled/unused cheques. The physical originals were produced at trial. Their existence in the customer's custody was not a peripheral circumstance; it supplied an objective standard against which the electronic and documentary debit trail had to be examined.
4. The investigation thereafter spread to the remaining affected accounts and recipient accounts. Production and seizure memos were prepared; original and cancelled cheque leaves, bank letters, deposit slips, account-opening and transaction documents and other record were taken into possession; specimen impressions were obtained through lawful process; and the questioned material was forwarded for technical examination. In the account relating to

Isabella Pauline Vellozo and Victor Paul Vellozo, the seizure memo dated 13.10.2014 records production of original cancelled/blank cheque Nos.SA20377350 and SA20860590, along with three original bank letters confirming deposits/investments of Rs.2,000,000/-, Rs.1,889,532/-, Rs.4,467,746/- and Rs.13,432/-. Those instruments and letters were brought on the record. The letters also disclose the relevant account numbers, value dates and maturity dates. The documents were thus capable of being tested against the entries relied upon by the prosecution.

5. The record concerning Abdul Shakoor included his specimen thumb impressions, taken in the presence of the competent functionary and identified by the Investigating Officer, and the questioned impression appearing on an NIB deposit slip dated 06.08.2013. The FIA Technical Wing, Islamabad, by its report bearing Lab No.230/2014 dated 26.08.2014, opined that the questioned thumb impression marked Q/1 was identical with Abdul Shakoor's specimen impression on nine ridge characteristics. The evidentiary significance of this report is considered later; at this stage it is enough to notice that the prosecution produced scientific material as part of the transaction-specific chain and not merely oral suspicion.
6. On completion of investigation, a report under Section 173, Cr.P.C. was submitted before the Special Court. The accused were supplied the requisite documents. A formal charge was framed in relation to dishonest withdrawal/diversion of customers' funds, falsification and use of forged banking instruments and entries, and the common design attributed to the accused. They pleaded not guilty and claimed trial. The prosecution thereafter examined its witnesses and produced the primary banking and investigative record. The affected account-holders or their authorized representatives spoke to the custody and status of their cheque books, absence of authority for the impugned withdrawals, and production of original unused or cancelled instruments. Bank witnesses produced or identified the account and transaction record. FIA witnesses proved the steps of seizure, custody, dispatch for examination and the investigation. Process-server evidence was also recorded where a prosecution witness could not be secured despiteailable process.

7. The prosecution ultimately gave up Mrs. Isabella Pauline Vellozo as a witness on account of her advanced age, stated to be ninety-two years, illness, inability to hear and inability to attend, supported by the statement of her nephew and medical record. The mere giving up of that witness did not efface the original documents produced by her under a contemporaneous seizure memo, but it obliged the Court to scrutinize the proof and effect of those documents with care and without treating an unexamined person's narrative as substantive testimony. Similarly, process-server Naushad Abbasi stated on oath that bailable warrants issued for Muhammad Javed Naz could not be executed at the recorded address because neighbors and the building chowkidar stated that he had shifted to an unknown place. Reports, unexecuted warrants and the two statements recorded during execution were exhibited. The trial, therefore, reflects repeated judicial effort to secure witnesses rather than a casual closure of evidence.
8. At the conclusion of the prosecution evidence, the accused were examined under Section 342, Cr.P.C. The appellant denied the allegations, asserted innocence and stated that the writing described by the prosecution as his confession or admission had been procured under pressure exerted by bank officers and FIA. He maintained that no documentary evidence connected him with the offence and elected not to make a statement on oath or lead defence evidence. Muhammad Hanif and Syed Farhan Abbas Naqvi also denied participation. After hearing the parties, the learned trial Judge acquitted the latter two accused but convicted the appellant, holding that the documentary and circumstantial chain against him was materially different and complete.
9. Learned counsel for the appellant argued that the impugned judgment is the result of misreading and non-reading of evidence. His principal submission was that the prosecution failed to prove who physically wrote, signed, prepared or presented the disputed instruments; no handwriting expert connected the appellant with the alleged forged signatures or writing; and no reliable evidence established that the appellant personally received any part of the

withdrawn money. It was urged that the original cheque leaves remained with the customers and that the prosecution theory of so-called flying entries was not proved by producing the complete vouchers, books, electronic audit trail or the responsible officers who authorized each stage of the transaction. It was further contended that no CCTV footage was collected; no incriminating article or money was recovered from the appellant; the investigation did not establish a financial trail into his personal accounts; and the prosecution withheld or failed to examine material persons, including the concerned Relationship Manager. The statement attributed to the appellant and exhibited during trial was said to be an involuntary extra-judicial confession made in the custody and under the influence of the bank/FIA, inherently weak and incapable of sustaining conviction without independent corroboration. Counsel placed particular emphasis upon the acquittal of Muhammad Hanif and Syed Farhan Abbas Naqvi, submitting that the prosecution evidence constituted one indivisible transaction and, once disbelieved for the alleged beneficiaries or co-participants, could not lawfully be used to convict the appellant. Reliance was placed upon *2024 MLD 1436*¹, *PLD 2019 SC 64*² and *2026 P.Cr.L.J. 158*³. On sentence it was argued that the punishment was excessive and, on one reading of the memorandum of appeal, had been made consecutive; a remand or fresh trial was sought in the alternative to cure asserted omissions.

10. Learned Special Prosecutor FIA supported the impugned judgment. He submitted that the case was founded upon a substantial body of primary banking record, original unused/cancelled cheque leaves, seizure memos, deposit documents, transaction entries and expert material which, read together, disclosed manipulation that could not be explained as clerical error. According to him, the appellant's banking position and role connected him with the processing and concealment of the impugned transactions, while the acquitted accused stood on a materially different evidentiary footing. He maintained that the alleged admission was not the sole basis of conviction and that, even if excluded, the remaining evidence

¹ *Kamran Mirza v. The State*

² *Mst. Asia Bibi v. The State and others*

³ *Attique-ur-Rehman and others v. State through FIA & 3 others.*

established the offences beyond reasonable doubt. The State opposed both acquittal and remand.

- 11.** We have heard learned counsel and have independently reappraised the evidence. In a conviction appeal the appellate Court is not confined to searching for a formally stated error; it must itself examine whether each essential ingredient has been established by legally admissible evidence and whether the conclusion is the only reasonable inference from the proved circumstances. Equally, reappraisal does not mean that every discrepancy is elevated into a reasonable doubt. The doubt must arise from the evidence and must be rational, not speculative. The presumption of innocence continues to protect the accused throughout, and the prosecution's burden never shifts; but a conviction resting upon a coherent and proved documentary chain is not to be displaced merely because every imaginable form of corroboration was not collected.
- 12.** The broad questions that arise are: whether the prosecution proved unauthorized withdrawals and falsification in the relevant accounts; whether the appellant was individually connected with the dishonest processing or concealment of those transactions; whether the alleged admission was voluntary and, if not, what effect its exclusion has upon the remaining case; whether the acquittal of the co-accused creates an irreconcilable inconsistency; whether investigative omissions or non-examination of witnesses generate reasonable doubt; and whether the conviction, sentences and fine require interference.
- 13.** The starting point is the nature of the record. The prosecution did not rely upon photocopies generated after the dispute alone. It produced original unused or cancelled cheque leaves from the custody of affected customers or their representatives; contemporaneous production and seizure memos; bank account and transaction documents; deposit slips; letters confirming amounts, value dates and maturities; and technical material. In Muhammad Sadiq Naz's account, the original cheque Nos.SA00100448 and SA00100438 remained intact while the corresponding depletion was discovered. Their production under the memo of 27.06.2014 was proved by Muhammad Javed Naz, who acknowledged in cross-examination

that the written mandate given by his father had not been produced and that he did not name the individual officials who telephoned him. Those omissions deserved weight, but they did not make the physical cheque leaves disappear, convert an unauthorized debit into an authorized one, or furnish an innocent explanation for the mismatch between custody of the originals and the debit entries.

- 14.** The cross-examination of Muhammad Javed Naz suggested that, because he was employed in the head office of NIB Bank, he had used influence to register a false case against the appellant. He denied the suggestion. No material was put to him showing prior enmity, personal benefit, fabrication of the two original cheque leaves, or authorization by his father for the disputed debit. The absence of the mandate affected the formal proof of the full extent of his authority, but the account holder's identity, his relationship, possession of the cheque-book, production of the original leaves and absence of any competing claim of authorization remained. The trial Court did not commit a material error in treating his testimony as corroborative of the documentary condition of the account.
- 15.** The Vellozo documents require separate consideration because Mrs. Isabella Pauline Vellozo was not examined at trial. Her production memo was witnessed, and the original cancelled/blank cheques were placed before the Court. Bank letters on NIB letterhead recorded the investment details: account No.0051-10465297 for Rs.2,000,000/- with value date 22.04.2013 and maturity date 22.04.2014; account No.0051-11528945 for Rs.13,432/- with value date 13.11.2013 and maturity date 13.01.2014; and account No.0051-3466663 for Rs.1,889,532/- and Rs.4,467,746/- with the respective value and maturity dates stated in those letters. We have not treated the untested narrative of the unavailable witness as proof of the appellant's guilt. We have treated the physical instruments, seizure, bank-generated record and the evidence of persons who identified and handled them according to their legally proved worth. That distinction answers the submission that non-examination of the elderly account-holder rendered the entire documentary segment inadmissible.

- 16.** The Abdul Shakoor segment also contradicts the broad argument that the investigation was wholly devoid of scientific examination. The specimen sheets bear his thumb impressions and identify the person and case. The questioned deposit slip was examined by the FIA Technical Wing, which reported identity on nine ridge characteristics. The report did not, by itself, prove every movement of money or the appellant's guilt; nor could it be used to attribute to the appellant an impression belonging to Abdul Shakoor. Its legitimate effect was narrower but important: it authenticated a transaction-specific link and demonstrated that the prosecution tested questioned banking material against independently obtained specimens. The learned trial Court was entitled to read this evidence as one part of the larger chain.
- 17.** The defence is correct that no handwriting expert is shown to have attributed every questioned writing or signature to the appellant. That omission precludes a finding that the appellant personally penned each forged endorsement merely on visual comparison. The impugned judgment must therefore be sustained, if at all, without such an assumption. The offences charged, however, did not require proof that one hand wrote every entry. A bank fraud may be committed through unauthorized electronic or ledger postings, use of access and processing authority, presentation or facilitation of documents, and falsification of accounts by several acts. Authorship of the handwriting is one possible link; it is not invariably the only mode of proving participation, knowledge or use of a false document.
- 18.** The trial Court's material conclusion was not that the appellant was guilty merely because he was employed by the bank. Status alone would be plainly insufficient. The incriminating force lay in the convergence of the account-specific transactions, the original instruments inconsistent with the debits, the processing record and the appellant's functional connection with the entries and their handling, considered across several customer accounts. A repeated pattern involving separate customers, amounts and instruments reduces the possibility of an accidental posting. The appellant was given each material circumstance in his examination under Section

342, Cr.P.C. His denial did not have to prove innocence; nevertheless, where facts peculiarly within the operational sphere of a bank officer are demonstrated by the prosecution, an explanation capable of coexisting with innocence may be considered. None was offered beyond a general denial and allegation of pressure concerning the separate admission.

- 19.** We are mindful that an answer under Section 342, Cr.P.C. cannot fill a gap in the prosecution case and that failure to lead defence evidence cannot be treated as substantive proof of guilt. Our conclusion does not rest upon either proposition. It rests upon the affirmative documentary and oral evidence. The absence of a defence explanation assumes relevance only after that evidence has established a transaction pattern and the appellant's identified operational connection; it does not reverse the burden.
- 20.** The alleged statement/admission attributed to the appellant requires particular caution. A confession made to a person in authority, in custodial surroundings, or under inducement, threat or promise is not to be used mechanically. Extra-judicial confession is a fragile species of evidence and ordinarily requires confidence-inspiring independent corroboration. In *PLD 2019 SC 64*⁴, the Supreme Court reiterated both its inherent weakness and the continuing burden upon the prosecution. We accordingly place the disputed statement outside the central chain and do not use it to supply any missing ingredient. Even on that approach, the bank documents, originals retained by customers, transaction record, seizures and other corroborative evidence remain. The conviction therefore does not stand or fall with Ex.4/A. The challenge to its voluntariness, even if accepted for the purpose of caution, does not dismantle the independent case.
- 21.** The non-recovery of the embezzled sum from the appellant is likewise not decisive. Recovery is a valuable corroborative circumstance but is not a universal ingredient of criminal breach of trust, use of a forged document or falsification of accounts. Money moved through bank entries can be dissipated or transferred long

⁴ *Mst. Asia Bibi v. The State & others*

before registration of an FIR. What had to be proved was entrustment or dominion arising from the appellant's banking role, dishonest misappropriation or facilitation thereof, knowledge of falsity where Section 471 was invoked, and willful falsification or causing falsification of accounts under Section 477-A. The documentary trail and the proved manner in which genuine customer instruments remained unused while corresponding funds were dealt with supplied evidence of these ingredients. Absence of personal enrichment would have been fatal if the prosecution case were confined to receipt by the appellant; it was not fatal to liability for dishonest processing and falsification proved against him.

22. The criticism regarding CCTV footage also has to be tested against the acts alleged. No evidence was placed to show that every relevant workspace, terminal or transaction point was under functioning video surveillance or that footage covering the material dates remained available when the investigation commenced. CCTV might have provided further corroboration concerning physical presence, but its absence does not negate bank-generated records or primary instruments. *Attique-ur-Rehman* illustrates that failure to collect CCTV may assume importance where the prosecution must prove physical collection or presentation and the remaining evidence is deficient. It does not establish an inflexible rule that a banking prosecution fails whenever video footage is absent.
23. The alleged non-examination of a Relationship Manager and other officers was pressed as withholding of the best evidence. Article 134 of the Qanun-e-Shahadat Order, 1984 does not require a particular number of witnesses. Non-examination becomes material where the omitted witness alone could prove a foundational fact or where the produced evidence is hearsay and incapable of independent verification. Here, the underlying instruments and account record were before the Court and were identified through witnesses connected with their custody or production. The omitted officers could have added detail about internal processing; their absence called for caution, which the trial Court exercised by acquitting those against whom the individual chain was incomplete. It did not require rejection of proved documents against the appellant.

- 24.** We have also considered the argument that the complete vouchers, books or electronic logs were not produced. A prosecution must prove the charge, not merely present a large volume of paper. Conversely, selection of relevant records cannot be allowed to obscure a missing link. Upon reappraisal, the documents relied upon are not isolated extracts without context: they correspond with original cheque numbers, identified accounts, deposit instruments, amounts and seizure memos. The defence did not demonstrate an entry in the exhibited record which, when read with an allegedly withheld voucher, would lawfully authorize the questioned transactions. The objection identifies an investigative imperfection but not a concrete exculpatory contradiction.
- 25.** The acquittal of Muhammad Hanif and Syed Farhan Abbas Naqvi is the most substantial legal objection. The principle invoked by the defence is sound: where the prosecution presents a common and indivisible account, and the same witnesses are disbelieved for one accused, conviction of another cannot safely follow without independent and strong corroboration. In *2024 MLD 1436*⁵ applied that principle where the evidentiary basis was materially common and insufficient. But the rule is one of rational evaluation, not an artificial parity. Criminal liability is individual. Evidence may be credible as to the occurrence but insufficient as to the identity or *mens rea* of one participant; documentary links may attach to one accused and not another; and acquittal of an alleged recipient does not logically erase proof of falsification or misuse by a bank officer.
- 26.** The trial Court did not acquit the co-accused upon a finding that no unauthorized transactions occurred or that the bank record was fabricated. It extended them benefit of doubt because the prosecution failed to complete their individual linkage to the requisite standard. Against the appellant, the Court found an operational and documentary nexus. The evidence was therefore not disbelieved in toto and then selectively revived. The distinction concerns the degree and kind of nexus. Unless that distinction is shown to be imaginary or unsupported, parity cannot replace individualized proof.

⁵ *Kamran Mirza v. The State*

On our own appraisal, the distinction is borne out by the record and the acquittals do not generate an automatic doubt in favour of the appellant.

27. In 2026 *P.Cr.L.J. 158*⁶ itself demonstrates the necessity of role-specific assessment. In that matter, the Court maintained conviction where the documentary trail established receipt, withdrawal and onward transfer of a large amount, while it upheld acquittal of a subordinate bank employee where high-value transactions were beyond his teller limit and monitoring responsibility lay with managers or operational superiors. The case therefore does not support a blanket proposition that acquittal of one actor destroys the entire prosecution. It requires the Court to ask who had the duty, authority, access and proved transaction nexus. Applying that method here, the appellant cannot claim the benefit of gaps that related to the distinct roles of the acquitted accused.
28. Learned counsel also referred to the absence of proof of a personal financial trail. We agree that where the charge is direct receipt, a proved transfer into the accused's account may be compelling and its absence may matter. But Section 409, P.P.C. embraces dishonest misappropriation, conversion, use or disposal in violation of trust; abetment and connected falsification offences may be established without showing that the entire amount ultimately remained with the accused. The cumulative evidence established that customer funds under the bank's custody were dealt with through false or unauthorized documentation and entries. The appellant's culpability was founded on his participation in that process. The prosecution was not bound to prove that each rupee reached and remained in his personal account.
29. For Section 468, P.P.C., the prosecution had to establish forgery for the purpose of cheating; for Section 471, use as genuine of a document known or believed to be forged; and for Section 477-A, willful and fraudulent destruction, alteration, falsification or making of false entries in accounts or records by a clerk, officer or servant, or abetment thereof. Knowledge and dishonest intention are states of

⁶ *Attique-ur-Rehman and others v. State through FIA & 3 others.*

mind commonly inferred from proved conduct. Multiple transactions affecting unrelated customers, reliance upon cheque particulars while originals remained with the customers, and corresponding false banking treatment constituted a pattern inconsistent with innocent mistake. Read with the appellant's operational connection, the requisite knowledge and fraudulent purpose were legitimately inferred.

- 30.** As to Section 409, P.P.C., entrustment in a banking prosecution is not confined to physical delivery of currency into the hands of the accused. A bank and its officers exercise dominion over customer funds and records according to defined authority. Where that dominion is used to cause unauthorized debits and concealment, the ingredient of entrustment or dominion is satisfied, provided the accused's role is individually proved. The evidence accepted by the trial Court and re-examined by us established that connection. This is not a case in which conviction has followed from designation alone.
- 31.** Minor variations in recollection of dates, names of calling officials or the sequence in which a customer approached the bank and FIA were also pointed out. The case originated in documentary transactions and was tried years later. Such variations are natural and do not affect the fixed identifiers-account numbers, cheque numbers, amounts, instruments and seizure dates-appearing in contemporaneous documents. No contradiction was shown which simultaneously proved authorization for a disputed debit, falsity of an original cheque, break in the identity of an exhibit, or substitution of the technical material. The discrepancies therefore do not travel to the root.
- 32.** The chain of custody was criticized in general terms. The record contains production/seizure memos identifying the persons producing the documents, the officer seizing them and witnesses present. Specimen impressions were obtained and identified; the questioned material was examined by the Technical Wing under a lab number. No specific seal number discrepancy, unexplained change in cheque number, alteration of account identifier, or substitution visible from the record was established in cross-

examination. A theoretical possibility of tampering is not reasonable doubt. Reasonable doubt would arise from a demonstrated gap bearing upon identity or integrity of the exhibit; none of that character was shown.

33. The defence plea of false implication through influence exercised by Muhammad Javed Naz was unsupported. The prosecution covered several customers and independent sets of banking documents. It is inherently improbable that one customer's employment in the bank could manufacture originals, account entries, separate customer transactions, seizure documents and technical material across the case without leaving a contradiction in the primary record. The suggestion was denied and remained a suggestion.
34. *Mst. Asia Bibi* correctly emphasizes that even one circumstance creating reasonable doubt entitles an accused to acquittal as a matter of right. We have applied that standard. The circumstances relied upon here as doubts-absence of CCTV, lack of handwriting attribution for every writing, non-recovery, non-examination of some officers and acquittal of co-accused-must be evaluated in relation to the actual foundation of conviction. None disproves the proved documentary chain; collectively they required heightened scrutiny, but after that scrutiny they do not yield a reasonable hypothesis of innocent, authorized or accidental processing by the appellant.
35. The plea for remand or a fresh trial is misconceived. A remand is not ordered to enable a party to improve a case after full trial, nor to collect evidence that could have been produced earlier, unless a material illegality has occasioned failure of justice and cannot otherwise be cured in appeal. The appellant was represented, cross-examined the witnesses, was confronted with the prosecution circumstances and addressed arguments. The Court recorded efforts to secure witnesses and decided the case on the material produced. No defective charge, denial of opportunity, exclusion of available defence evidence or jurisdictional error requiring retrial was demonstrated. Reopening a trial after years merely to seek CCTV, further expert opinion or additional bank officials would fill asserted lacunae rather than remedy a miscarriage of procedure.

36. The learned trial Judge separately considered the case of each accused, identified the documentary material, addressed the challenge to the admission and extended benefit of doubt where individual linkage was deficient. Although every passage of the judgment is not expressed with the precision one might prefer, an appellate Court examines the substance of the reasoning and the evidence. We have found no misreading which attributes to a document a fact it does not contain, and no non-reading of a circumstance which, if considered, would reasonably alter the result. The central findings are supported by evidence.
37. We next turn to sentence. The memorandum's assertion that the substantive terms were made consecutive is contradicted by the operative direction of the impugned judgment, which orders concurrency. The challenge, to that extent, proceeds on an incorrect premise. Concurrent operation avoids mechanical aggregation and must govern the execution of the sentence. The fine corresponds to the financial dimensions determined by the trial Court. No material has been shown demonstrating arithmetical duplication, recovery already credited but ignored, or statutory excess in the individual sentences.
38. *Attique-ur-Rehman* reduced a maintained sentence to imprisonment already undergone in the peculiar circumstances of that appellant, who had served four years, seven months and nine days and whose alternate prayer was not seriously opposed. Sentencing is individualized; the reduction was not formulated as a tariff for all banking offences. The present case concerns repeated transactions, several customer accounts and a substantial aggregate loss. Abuse of access within a financial institution damages both individual depositors and public confidence in the banking system. The duration of proceedings, while relevant, cannot by itself neutralize the gravity and multiplicity of proved conduct. We find no basis for substituting imprisonment already undergone or disturbing the fine.
39. Before concluding, we reiterate the limits of our finding. We have not treated the appellant's employment as proof of guilt; we have not used the disputed admission as the foundation of conviction; we have not drawn guilt merely from his silence or failure to lead

evidence; and we have not reversed the acquittal of any co-accused. We have assessed the appellant's liability upon the evidence legally bearing upon him. That evidence viewed cumulatively and account by account, proves a deliberate course of unauthorized dealing and falsification beyond reasonable doubt.

- 40.** For the foregoing reasons, the appeal is dismissed. The conviction and sentences recorded against the appellant by judgment dated 03.05.2025 in Special Court Case No.41 of 2014 are maintained. It is clarified that the substantive sentences shall run concurrently exactly as directed by the trial Court, with benefit of Section 382-B, Cr.P.C. to the extent legally available and already directed, if any. The fine and default consequences shall remain intact. The plea for remand or fresh trial is declined.
- 41.** The office shall transmit a copy of this judgment to the learned trial Court and the Superintendent of the concerned prison for information and compliance, along with the record, if received.

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