

In the Court of Special Judge (PC Act), Sagar, Dist. - Sagar, (M.P.) (Presiding Officer - Shahabuddin Hashmi)	
 To be scanned with eCourts Service Mobile application.	SC EOW No-01/2024 Institution date 27.02.2024 Filing No-2174-2024 CNR NO. -MP1501-002658-2024 FIR No-57-2022
{Order on Sentence} (Pronounced in Open Court today dt. 30.07.2026) (Details of FIR No. 57-2022 and Police Station- Economic Offences Wing, Bhopal and Unit Sagar)	
COMPLAINANT/ PROSECUTION	STATE OF MP THROUGH PS.- Economic Offences Wing (EOW), Bhopal Unit - Sagar , MP.
REPRESENTED BY	Ld. Special DPO Sh. L. P. Kurmi with Ld. DPO Sh. A.K. Mishra .
ACCUSED PERSON	Satish Kumar S/o. Sh. Faggu Ram , Age about - 48 years, Present R/o. EPFO, Zonal Training Institute, 15, Main Road, Rangrathan Park, Anna Nagar, Chennai. 600040 Permanent R/o. Bangar Niwas, Village- Isherheri, PO Kharindwa, Shahabad Markanda, Kurukshetra, Haryana.
REPRESENTED BY	Ld. Counsel Sh. M.I. Usmani , Ld. Counsel Sh. Sarin Shrivastava .

Date of Offence	between 03.06.2022 to 05.06.2022,
Date of FIR	05.06.2022,

Date of Charge-sheet	27.02.2024,
Date of framing of charge	12.08.2024,
Date of commencement of evidence	08.11.2024,
Date on which Judgment is reserved	25.06.2026,
Date of Judgment	22.07.2026,
Date of the sentencing order, if any	30.07.2026

Rank of the accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences Charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.p.c/468 BNSS
01.	Satish Kumar	05.06.22	13.07.22	7 of the PC Act.	Convicted	As per para no. 19	01 month 08 days or total 38 days.

Case is fixed for order on sentence.

1. Vide separate judgment dated 22.07.2026 the convict namely **Satish Kumar** was found guilty for commission of offence punishable U/s 7 of The Prevention of Corruption Act, 1988 (as amended in 2018) and convicted accordingly.
2. Ld. Counsel argued that benefit of Probation of Offenders Act should be given to convict as he is government servant and having two minor children with no independent source of income, who are solely depend upon him, he further submitted that he is having no criminal record. On the other hand Ld. DPO submitted that convict is convicted for the offence punishable u/s 7 of The Prevention of Corruption Act,

1988 (as amended in 2018), hence benefit of Probation of Offenders Act could not be given.

3. As convict is are convicted for the offence punishable u/s 7 of The Prevention of Corruption Act, 1988 (as amended in 2018), since the offence u/s 7 of The Prevention of Corruption Act, 1988 (as amended in 2018) is punishable with minimum imprisonment of three year, therefore benefit of Probation cannot be extended to him in view of the settled law that no Probation can be granted for the offences which provide for minimum imprisonment. Reliance is placed upon judgment of **Hon'ble Apex Court State vs. Ratan Lal Arora (2004) 4 SCC 590, The State Rep. By Inspector Of ... vs A. Parthiban (2006) AIR SCW 5267 and Shyam Lal Verma vs. CBI 2013(1) Crime 317(SC)** hence benefit of Probation of Offenders Act can not be given to convict otherwise it would be given wrong message to society. Accordingly, prayer of Probation of Offenders Act is rejected.

4. I have heard the Ld. DPO and Ld. Defence Counsels for convict and carefully considered the respective submissions on the point of order on sentence.

5. The complex question of determination of nature and quantum of sentence comes before the Court after the conviction of an accused. The decision of punishment depends on various relevant factors relating to the nature of offence, the manner of its commission and the gravity of the same. The horizontal and vertical competing interest between society and individual, the victim and accused and the aspiration of "object to be sought" and the limitations of law require accurate analysis and harmonization of remedial, reformatory and preventive steps.

6. Ld. DPO submitted that convict Satish Kumar was an Regional Commissioner, EPFO, Sagar. He has been convicted for the offence u/s 7 of Prevention of Corruption Act, 1988 mainly on the allegations that he, demanded bribe of Rs.10 lacs and accepted first installment of bribe of Rs. 05 lacs from the complainant Shri Anirudha Pimplapure/PW-5 one of the partner of BR and company in lieu of making the correct report of BR & Company, Sagar on the inspection report prepared on 04.06.2022. Ld. DPO further contended that convict was Senior Officer in EPFO, Sagar and he was responsible to enforce law/rule to prevent the exploitation of employees of companies/firms under his jurisdiction but he misused his official capacity to extort money from the employer at the cost of interest of poor employee and therefore, the offence committed by him is serious in nature. Ld. DPO prayed for the maximum jail imprisonment and

maximum fine which should be double of bribe money, so that it may prove a deterrence to those public servants who are interested to do corruption or involve themselves in corruption.

7. Ld. Defence Counsels submitted that convict arrested on 05.06.2022 and produced before the court on 06.06.2022, remained in JC till released on 13.07.2022 and he further prayed for a lenient view. Following circumstances were submitted to be treated as mitigating circumstances for a lesser sentence i.e. minimum 03 years:

- (a) Age of convict is about 48 years,
- (b) He is suffering from back pain and MRI yet to be done, which is very much necessary,
- (c) He is having home maker wife and two school going son and mother is suffering from cancer and there is no one to look after her. All the family members depend upon him,
- (d) He has been facing trial from the last 03 years,
- (e) He has already remained in JC for period of 38 days,
- (f) There is no previous involvement in any other crime,
- (g) The circumstance of commission of crime and conduct of complainant.

8. In the case of **Giassudin Versus State of Andhra Pradesh, AIR 1977 SC 1932**, it was held that...

"a proper sentence is the amalgam of many factors such as the nature of offence, the circumstances extenuating or aggravating of the offence, the prior criminal record (if any) of offender, the age of offender, the record of offender as to employment, the background of offender with reference to education, home life, sobriety and social adjustment, the emotional and mental condition of offender, the prospects for rehabilitation of the offender, the possibility of return of offender to normal life in the community, the possibility of the treatment or training of offender, the possibility that the sentence may serve as a deterrent to crime by the offender or by others and the current community need, if any, for such a deterrent in respect to particular type of offence. These factors have to be taken into account by the court in deciding upon the appropriate sentence"

9. In the case of State of Andhra Pradesh vs. V. Vaudev Rao AIR 2004 SCC 960, the Hon'ble Supreme Court held that:-

" In a case involving acceptance of illegal gratification there is no scope for any leniency. The tentacles of corruption are spreading fast in the society corroding the moral fibre and consequentially in most cases the economic structure of the country. It has assumed alarming proportions in recent times. Though the occurrence at hand took place nearly 14 years back, yet as noted at the threshold, the Act was brought into anvil in the year of country's independence. The object appeared to be to nip the propensity for being corrupt in the bud. The growth of corruption has to a great extent frustrated the purpose for which the Act was enacted, and both the Act and its successor Act in 1988 do not appear to have curbed the growth of corruption, and to have achieved the intended results."

10. In the case of Niranjan Hemchandra Sashittal vs. State of Maharashtra AIR 2013 SC 1682, the Hon'ble Supreme Court held that:- "20. It can be stated without any fear of contradiction that corruption is not to be judged by degree, for corruption mothers disorder, destroys societal will to progress, accelerates undeserved ambitions, kills the conscience, jettisons the glory of the institutions, paralyses the economic health of a country, corrodes the sense of civility and mars the marrows of governance. It is worth noting that immoral acquisition of wealth destroys the energy of the people believing in honesty, and history records with agony how they have suffered. The only redeeming fact is that collective sensibility respects such suffering as it is in consonance with the constitutional morality. Therefore, the relief for quashing of a trial under the 1988 Act has to be considered in the above backdrop.

11. In this regard reference can also be laid upon a landmark case. It has been held in State of Karnataka vs. J Jayalalitha & Others, (2017) 6 Supreme Court Cases 263 while discussing the case of State of MP vs. Shambhu Dayal Nagar, (2006) 8 SCC and Subramanian Swami vs. CBI, (2014) 8 SCC 682 and various other cases, that corruption in a civilized society is a disease like cancer, which if not detected in time is sure to afflict the polity of the country leading to disastrous consequences. Corruption is like a plague which is not only contagious but if not controlled spread like a fire in a jungle. Corruption is opposed to democracy and social order, being not only anti people but aimed and

targeted against them. It affects the economy and destroy the cultural heritage and therefore, unless it is nipped in the bud at the earliest, it is likely to cause turbulence shaking the socio economic politic system in an otherwise healthy, wealthy, effective and vibrating society.

12. In view of the cases cited above, in the cases of corruption, middle age of convict, family responsibility, good previous conduct, minor health issues and the possibility of loss of job cannot be considered as mitigating circumstance.

13. On the other hand, convict was holding the post of Regional Commissioner, EPFO who was the executive head of an EPFO Regional or Sub-Regional Office. He was duty bound to oversee the implementation of social security schemes, manage compliance for local businesses, ensure timely settlement of employees claims, and enforce recovery or legal actions against defaulting employers. EPFO agency is one of the most important institution in the enforcement of law and prevention of violation of rules framed by legislation to secure the interest of poor employee. For achieving corruption free society, the honesty and integrity of government officials is paramount. Therefore, the offence committed by convict being Senior official is a serious concern and is an incriminating circumstance which required a strict view and harsh and greater sentence than the normal sentence in such cases awarded by this Court.

14. Large range of public servants starting from lowest level to the highest level are covered under Prevention of Corruption Act. Similarly, the range of corruption is also wide between petty bribes to the lacs. Sentence to a convict should be proportionate and appropriate in response to the nature, gravity of offence and other circumstances. It is always difficult to determine a proportionate and appropriate sentence in a particular case which may serve the object of the sentence. In the cases of corruption, the main object of sentence is deterrence and prevention of such crimes by way of deterrence. Reformation theory of punishment has comparatively lesser applicability in such cases.

15. In order to determine the proportionate and appropriate sentence in such cases, court may start from middle point of maximum and minimum sentence which may be inflicted against the convict. After starting from middle point, court may consider the mitigating and incriminating circumstance to enhance or reduce the sentence accordingly. Similarly, for the offence in question, convict is liable to pay

fine. Quantum of fine may also be determined by considering the bribe amount, suffering of complainant and expenses incurred by the State during the investigation and trial. Though, it is difficult to determine the exact cost of such litigations, but court may notice that running investigating agency like Lokayukta and the institution of courts is costly affair at the cost of public exchequer. Therefore, the quantum of fine should be proportionate to the gravity of offence, circumstance of convict as well as cost of litigation.

16. As per section 7 of Prevention of Corruption Act, 1988, on conviction it shall be punishable with imprisonment which shall not be less than three years but which may extend to seven years and shall also be liable to fine. Under section 7 of Prevention of Corruption Act, 1988, there is a provision for "Imprisonment and Fine". The description of imprisonment has not been provided under Prevention of Corruption Act for this offence.

17. Section 3(27) of General Clauses Act, 1897 provides "imprisonment" shall mean imprisonment of either description as defined in Indian Penal Code. Therefore, as provided under General Clauses Act, for offence u/s 7 of Prevention of Corruption Act, the imprisonment may be of either description i.e. rigorous or simple.

18. As convict was an Regional Commissioner, the offence committed by convict is more serious. Keeping in view the nature of his duties, his role in commission of offence, convict not deserves lesser sentence and it would be appropriate to impose fine amount equal to bribe money taken by convict. In my view In essence, corruption is exploitation of human beings in any form which has divided the society between haves and have nots and the situation is antithesis of the dream of a just, equitable and democratic society.

19. Keeping in view the above discussion, convict **Satish Kumar** is sentenced in following manner:-

Convicted under section	Sentence of Imprisonment	Fine	Default sentence
7(a) of The Prevention of Corruption Act, 1988 (as amended in 2018)	05 years R.I.	Rs. 5,00,000/- (Rs. Five lacs)	06 months S.I.

20. Convict **Satish Kumar** remain in judicial custody since **06.06.2022 to 13.07.2022 (38 days)** Benefits of section 428 Cr.P.C. be granted to convict and this period would be adjusted according to the judgment of **Bhagirath v. Delhi Administration, AIR 1985 SC 1080**. A certificate u/s 468 of BNSS be prepared and be kept on record, which would be part of judgment.
21. Warrant of convict **Satish Kumar** be prepared accordingly and convict is to be sent Central Jail - Sagar, MP for serving sentence as awarded.
22. Copy of the Judgment dated 22.07.2026 and order on sentence be given to the convict free of cost.
23. Case property i.e. currency notes of Rs. 5,00,000/- (Bundles of currency notes of bribe Art. D-1 to D-10) provided by complainant/PW-5, details of which mentioned in the memos, which already released to complainant on supurdagi. The said Supurdginama will be discharged after passing of period of appeal, in case of appeal is instituted against the judgment, direction of Hon'ble appellate court be complied with.
24. Case properties i.e. mangwarta CD, sample CD and Memory Card, CD produced by defence witness be preserve as same are part of record/file. Remaining case properties i.e. bottles of solution of sodium carbonate, sample packet of sodium carbonate be disposed off as per law after expiry of appeal and in case of appeal is instituted against the judgment, direction of Hon'ble appellate court be complied with.
25. As per section 365 of Cr.pc./406 of BNSS and Criminal rule 255(F) copy of judgment be sent to worthy District Magistrate through Ld. DPO for intimation.
26. A note is appended in muddemal parcha that properties be disposed off as directed above.
27. As per rule 526 of rule and order (Criminal) it is expected from the parties to get back the records without any delay, otherwise same shall be destroyed as per rules. Notice (Form No.-99) to this effect be prepared and affix on the notice board.
28. As requested by convict Satish Kumar, Jail Superintendent is directed to provide necessary medical care to him in accordance with rules.
29. In compliance of judgment of **Shankar Mahto vs. State of Bihar dated 16.04.2026**, copy of judgment and order on sentence be sent to

Central Jail, Sagar along-with warrant and through E-mail too.

30. Digitally signed copy of judgment be uploaded on CIS.

31. After making entry regarding result of S.C.EOW in the register and after due formalities, file be consigned to record room.

Sentence Order signed, dated and
pronounced in open court

SD/-
(SHAHABUDDIN HASHMI)
SPECIAL JUDGE (PC ACT)
SAGAR, M.P.
30.07.2026

Sentence Order type under
my dictation

SD/-
(SHAHABUDDIN HASHMI)
SPECIAL JUDGE (PC ACT)
SAGAR, M.P.
30.07.2026

Annexture regarding Articles produced by defence (which inadvertently not mentioned in judgement dated 22.07.2026) as per judgment of Manoj Bhai Jetha Bhai Permar Rohit vs. State of Gujrat, Criminal Appeal No.-2973/2023 dated 15.12.2025.

List of defence Article:-

Sr. No.	Exhibits Number	Description
01.	Article-F	CD
02.	Article-F-1	Envelope
03.	Article-F-2	Envelope.

[This Order on sentence contains 9 pages and each page bears the complete sign of undersigned.]

SD/-

SHAHABUDDIN HASHMI)
SPECIAL JUDGE (PC ACT)
SAGAR, M.P.
30.07.2026