

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRA No. 776 of 2017

Shushil Kumar Choudhary, S/o. Shri Kunjal Ram Choudhary, Aged About 48 Years, Occupation- Block Education Officer, A.J.K.V. (Adim Jati Kalyan Vibhag) Pattalgaon, District-Jashpur, R/o.Village, Gaurabahari, Police Station - Tamnar, Raigarh, Chhattisgarh.

---- Appellant

Versus

State Of Chhattisgarh, Through - S.H.O. Of The Police Station- Anti Corruption Bureau Raipur, Unit Bilaspur, Chhattisgarh.

----Respondent

18.05.2017	Mr. Abhishek Saraf, Advocate for the Appellant. Mr. Suryakant Mishra, Panel Lawyer for the State. Heard Admit Call for the record. Also heard on I.A.No.1/2017, application for suspension of sentence and grant of bail. Appellant has been convicted by the judgment of conviction dated 10.05.2017 passed in Special Case No.01/2015 by the learned Special Judge (Prevention of Corruption Act) Jashpur, District Jashpur (C.G.) in the following manner with a direction to run the sentences concurrently. <table><tr><th>Conviction</th><th></th><th>Sentence</th></tr><tr><td>U/s. 7 of the Prevention of Corruption Act,1988.</td><td>:</td><td>R.I. for 1 year and fine of Rs.10,000/-, in default of payment of fine, 3 months additional R.I.</td></tr><tr><td>U/s. 13(1)(D) read with Section 13(2) of the Prevention of Corruption Act, 1988.</td><td>:</td><td>R.I. for 2 years and fine of Rs.10,000/- in default of payment of fine, 3 months additional R.I.</td></tr></table>	Conviction		Sentence	U/s. 7 of the Prevention of Corruption Act,1988.	:	R.I. for 1 year and fine of Rs.10,000/-, in default of payment of fine, 3 months additional R.I.	U/s. 13(1)(D) read with Section 13(2) of the Prevention of Corruption Act, 1988.	:	R.I. for 2 years and fine of Rs.10,000/- in default of payment of fine, 3 months additional R.I.
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Learned counsel for the appellant would submit that the trial Court has already suspended the sentence during trial and the appellant is on bail, the sentence is only for 2 years and the appeal will take some time for hearing on merits, therefore, the sentence may kindly be suspended and the appellant is allowed to be released on bail.

Per contra, learned State counsel opposes the prayer for suspension of sentence and grant of bail.

Considering the short sentence and the fact that the appellant is already on bail and the appeal will take some time for hearing, I am inclined to suspend the sentence and release the appellant on bail.

Accordingly, I.A.No.1/2017, application for suspension of sentence and grant of bail is allowed.

Execution of further substantive jail sentence imposed on appellant shall remain suspended and he is directed to be released on bail on his executing a personal bond for a sum Rs.25,000/- with one surety for the like sum to the satisfaction of the Trial Court for his appearance before the Registry of this Court on **27th July, 2017**. He shall thereafter appear before the Trial Court on a date to be given by the Registry of this Court and shall continue to appear there on all such subsequent dates as are given to him by the said Court, till the disposal of this appeal.

Certified copy, as per rules.

Sd/-
(Goutam Bhaduri)
Judge