

## **HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRA No. 1268 of 2018**

- Udayraj Singh S/o Late Lekhraj Singh Aged About 40 Years Caste Khairwar, Naiyab Tahsildar Ramanujanj District Surajpur R/o Village Saruvat, P. S. Basantpur, Tahsil Vdaraf Nagar, District Balrampur Chhattisgarh, District : Balrampur, Chhattisgarh

**---- Appellant**

**Versus**

- State Of Chhattisgarh Through A. C. B. Bilaspur District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

**---- Respondent**

| 28/08/2018                                                            | <p>Shri Devendra Kumar Shukla, Advocate for the appellant.</p> <p>Shri Ashok Swarnkar, P.L. for the State/respondent.</p> <p>Heard on I.A.No.1/2018 for suspension of sentence and grant of bail to the appellant.</p> <p>The appellant has been convicted by the judgment of conviction and order of sentence dated 10-08-2018, passed in Special Criminal Case No.02/2015 by the Special Judge (Anti-Corruption) Surajpur, C.G. in the following manner:-</p> <table><tr><th>Conviction</th><th>Sentence</th></tr><tr><td>1. U/s 7 of Prevention of Corruption Act, 1988</td><td>to undergo R.I. for 03 years and to pay fine amount of Rs.10,000/-, in default of payment of fine, to undergo additional R.I. for 3 months,</td></tr><tr><td>2. U/s 13(1)(D) read with 13(2) of Prevention of Corruption Act, 1988</td><td>to undergo R.I. for 03 years and to pay fine amount of Rs.10,000/-, in default of payment of fine, to undergo additional R.I. for 3 months.</td></tr></table> <p>It is submitted on behalf of the appellant that the appellant has been erroneously convicted and sentenced in the impugned judgment of the trial Court. He is hopeful in succeeding in this appeal as there is no evidence beyond reasonable doubt brought by the prosecution against him to uphold the finding of conviction against him. It is further submitted that the</p> | Conviction | Sentence | 1. U/s 7 of Prevention of Corruption Act, 1988 | to undergo R.I. for 03 years and to pay fine amount of Rs.10,000/-, in default of payment of fine, to undergo additional R.I. for 3 months, | 2. U/s 13(1)(D) read with 13(2) of Prevention of Corruption Act, 1988 | to undergo R.I. for 03 years and to pay fine amount of Rs.10,000/-, in default of payment of fine, to undergo additional R.I. for 3 months. |
|-----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Conviction                                                            | Sentence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |            |          |                                                |                                                                                                                                             |                                                                       |                                                                                                                                             |
| 1. U/s 7 of Prevention of Corruption Act, 1988                        | to undergo R.I. for 03 years and to pay fine amount of Rs.10,000/-, in default of payment of fine, to undergo additional R.I. for 3 months,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |            |          |                                                |                                                                                                                                             |                                                                       |                                                                                                                                             |
| 2. U/s 13(1)(D) read with 13(2) of Prevention of Corruption Act, 1988 | to undergo R.I. for 03 years and to pay fine amount of Rs.10,000/-, in default of payment of fine, to undergo additional R.I. for 3 months.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |            |          |                                                |                                                                                                                                             |                                                                       |                                                                                                                                             |

appellant had been on bail during the course of trial and is presently on bail after suspension of jail sentences by the trial Court under Section 489(3) of the Cr.P.C. Hence, it is prayed that the sentence of imprisonment against the appellant be suspended and he may be enlarged on bail.

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

Heard learned counsel for the parties.

On perusing the impugned judgment and after considering this fact that the appellant had been on bail during trial and subsequent to the order of conviction passed against him and he has not misused the liberty in any manner, I feel inclined to allow this application for suspension of sentence and grant of bail.

Accordingly, I.A.No.1/2018, application for suspension of sentence and grant of bail, is allowed. .

It is directed that the jail sentences imposed upon the appellant shall remain suspended during the pendency of this appeal and he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surely in like sum to the satisfaction of the trial Court for his appearance before the Registry of this Court on **22<sup>nd</sup> October, 2018**. 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 disposal of this appeal.

The appeal is admitted for hearing.

Call for the record of the Court below and list the case for final hearing in due Court.

Certified copy as per rules.

Sd/-  
(**Rajendra Chandra Singh Samant**)  
Judge