

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Appeal No. 1435 of 2021

- Mariyanus Beck S/o Late Sonsai Beck Aged About 55 Years Presently Posted As - Assitant Grade-2 (Accountant), Office- Block Education Officer Block Development Ramanujnagar, District- Surajpur, Chhattisgarh Present R/o Village- Namnakala, Ambikapur District- Sarguja, Chhattisgarh Permanent R/o Village- Khatva Bardar, Post-Podhi, District- Balrampur, Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through S.H.O., E.W.O./A.C.B., Raipur, Anti Corruption Bureau Unit Bilaspur, Chhattisgarh

---Respondent

18.01.2023	Mr. Pawan Kumar Kashyap, counsel for the appellant. Mr. R.M. Solapurkar, Government Advocate for the State. Heard on application for suspension of sentence. By the impugned judgment dated 30.10.2021 passed by the learned Special Judge (Prevention of Corruption Act, 1988), Surajpur, District- Surajpur (C.G.) in Special Criminal Case No. 01/2020, the appellant stands convicted, as under:- <table border="1"> <thead> <tr> <th>Conviction</th><th>Sentence</th></tr> </thead> <tbody> <tr> <td>U/s 7 of The Prevention of Corruption Act, 1988</td><td>R.I. for 5 year and fine of Rs.20,000/-, in default of payment of fine, 6 month R.I.</td></tr> </tbody> </table> Learned counsel for the appellant would submit that the appellant has been falsely convicted without appreciating the	Conviction	Sentence	U/s 7 of The Prevention of Corruption Act, 1988	R.I. for 5 year and fine of Rs.20,000/-, in default of payment of fine, 6 month R.I.
Conviction	Sentence				
U/s 7 of The Prevention of Corruption Act, 1988	R.I. for 5 year and fine of Rs.20,000/-, in default of payment of fine, 6 month R.I.				

evidence on record, the appellant has been awarded RI for 5 years, he has remained in jail during trial for 2 months and 2 days and after conviction, from 30.10.2021 to till date, as such he has remained in jail for 1 year and 5 months, further the appeal being of the year 2021, final hearing of the same will likely to take time, the sentence be kindly be suspended. .

On the other hand, learned State counsel would submit that the appellant has rightly been convicted after appreciating the facts and materials available on record and since the offence has been committed under the Prevention of Corruption Act, 1988, the application for suspension of sentence and grant of bail be kindly rejected.

Considering the fact that the maximum jail sentence awarded to the appellant is RI for 5 years and he has remained in jail for 1 year and 5 months, further considering the fact that the appeal being of the year 2021, final hearing of the same will likely to take time, I am inclined to suspend the sentence awarded to the appellant and release him on bail.

Accordingly, application for suspension of sentence and grant of bail is allowed and it is directed that execution of further substantive jail sentence of the appellant shall remain suspended and he shall be released on bail on his executing a personal bond in sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of trial Court for his appearance before the Registry of this Court on **2nd February, 2023**. 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.

	List this appeal for final hearing. Sd/- (Narendra Kumar Vyas) Judge
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