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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.A. 954/2016

SATISH KUMAR

..... Appellant

Through : Mr.Abhijat, Advocate with Mr.Sudhir
Vats, Mr.Pratyush Sharma &
Mr.Sonam Tripathi, Advocates.

versus

CBI

..... Respondent

Through : Ms.Rajdipa Behura, SPP.

CORAM:

HON'BLE MR. JUSTICE S.P.GARG

ORDER

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21.03.2017

CrI.M.B.1819/2016

1. The appellant seeks suspension of sentence till disposal of the appeal. Status report is on record.
2. I have heard the learned counsel for the parties and have examined the file. The appellant along with others was held guilty for commission of offence punishable under Sections 120B r/w Sections 420/471 IPC; Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act, 1988 and Section 420/471 IPC. He was awarded various prison terms; maximum being Rigorous Imprisonment for five years under Section 420/471 each with total fine ₹50,000/-.
3. Learned counsel for the appellant urged that there was no cogent material before the Trial Court to base conviction. The appellant was not running Fair Price Shop in question and nothing was recovered from his possession. Learned SPP for CBI urged that

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the appellant was running Fair Price Shop No.6604 though its proprietors were Radhey Shyam and Lal Chand. During search, 406 bogus ration cards were recovered. Out of these 406 ration cards, 277 ration cards were belonging to FPS No.6604 and 120 ration cards were to FPS No.4755. These 277 ration cards were consisting of 165 APL, 62 AAY and 50 BPL cards. These were forged and fabricated bogus cards in the name of existing or non-existing persons.

4. On perusal of the record, it reveals that the prosecution has relied upon the statements of various witnesses to show that it was the appellant who was running the Fair Price Shop No.6604. Huge recovery of bogus ration cards was allegedly effected from the said Fair Price Shop. These recovered ration cards were in the name of fake and non-existing persons and were apparently used to divert subsidized food articles in the open market. The appellant was, prima facie, beneficiary in the whole transaction.

5. Considering the gravity of the offence and serious allegations against the appellant, it is not a fit case for grant of suspension of sentence at this stage.

6. The application is dismissed.

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To be listed in due course.

S.P.GARG, J.

MARCH 21, 2017/sa

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