

ITEM NO.1

COURT NO.11

SECTION IIB

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Cr1)... 2012  
CRLMP.NO(s). 7405

(From the judgment and order dated 20/01/2011 in CRA  
No.796/2002 of The HIGH COURT OF KERALA AT ERNAKULAM)

K. SATHYANATHAN Petitioner(s)

VERSUS

C.K. BALAKRISHNAN NAIR & ANR. Respondent(s)  
(With appln(s) for exemption from surrendering)

Date: 27/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA  
(IN CHAMBERS)

For Petitioner(s) Mr. Sanjay Jain, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
O R D E R

This is an application seeking exemption from surrender in a case in which the petitioner has been sentenced for a period of two years under Sections 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act under Sections 420, 379, 468, 471 of IPC. In normal circumstance, the prayer seeking exemption in a matter wherein the petitioner has been sentenced for a fairly long period of two years, the prayer seeking exemption would not be entertained. However, learned counsel for the petitioner submitted that the petitioner

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has a good case on merit as the petitioner has been on bail all through. Learned counsel for the petitioner further stated that the petitioner is posted as a Salesman in a distribution Company and if he is made to surrender, he might lose his job although he has a good case on merit.

Under the circumstance, I deem it appropriate to direct that the special leave petition be listed for admission before the Regular Bench along with the application seeking exemption from surrender wherein his request seeking exemption from surrender may also be considered along with the merits of the Special Leave Petition. Until that time, the petitioner may not surrender.

(KUSUM SYAL)  
SR.P.A

(MITHLESH GUPTA)  
COURT MASTER