

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 1411 OF 2003

J.A.M. ROSS

Appellant (s)

VERSUS

INSPECTOR OF POLICE, SPE, CBI, MADRAS

Respondent(s)

(With office report)

WITH APPEAL(CRL) NO. 1412 of 2003

(With appln. for exem. from filing OT and permission to place addl. documents on record and with office report)

Date: 19/10/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s)

Mr. S.R.Sundram,Adv.
Mr. Sunil Kumar Jain,Adv.

Mr. Senthil Jageesan,Adv.
Mr. V. Ramasubramanian,Adv.

For Respondent(s)

Mr. P.K.Dey,Adv.
Mr. Aniruda Sharma,Adv.
Mr. S.Kaushik,Adv.
Mr. Arvind Kumar Sharma,Adv.

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

With modification in the sentence the appeals are
dismissed.

[SUMAN WADHWA]
COURT MASTER

[VINOD KULVI]
COURT MASTER

Revised Signed order is placed on the file.
REVISED

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1411 OF 2003

J.A.M. ROSS

.. APPELLANT(S)

vs.

INSPECTOR OF POLICE, SPE,
CBI, MADRAS

.. RESPONDENT(S)

WITH

O R D E R

In CrI.A.No.1411/2003

We have heard the learned counsel for the parties. We are not inclined to interfere on the merits of the case in view of the concurrent findings of fact recorded by the Trial Court as well as by the High Court. In this matter the appellant A.4 had been sentenced to three years R.I. under Section 5(1)(c) read with Section 5(2) and 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act, 1947 and under Sections 409 and 420 of the IPC for each offence along with the fine. All the sentences were to run concurrently.

The High Court vide the impugned order partly allowed the appellant's appeal and reduced the sentence to 2 years R.I. for each of the aforesaid offences.

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The prosecution was initiated way back in 1978 and the trial went on for 14 years. The appellant is now said to be about 78 years of age and has undergone about 110 days of the sentence. The present matter has been pending since 2003. In other words, 32 years have elapsed since the date of the incident. In the light of the above facts we reduce the sentence awarded to the appellant under Section 5(1)(c) of the Act under the proviso to six months. Likewise we reduce the sentence for the two offences under the IPC to six months R.I. as well, all the sentences to run concurrently.

With this modification in the sentence the appeal is dismissed.

In CrI.A.No.1412/2003

We have heard the learned counsel for the parties. We are not inclined to interfere on the merits of the case

in view of the concurrent findings of fact recorded by the Trial Court as well as by the High Court. the appellant A.2 had been sentenced to one year R.I. under Section 5(1)(c) read with Section 5(2) and 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act, 1947 and under Sections 409 and 420 of the IPC for each offence along with the fine. All the sentences were to run concurrently.

In this matter

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The prosecution was initiated way back in 1978 and the trial went on for 14 years. The appellant is now said to be about 83 years of age and has undergone about 70 days of the sentence. The High Court dismissed the appeal in the year 2002 and the present matter has been pending since 2003. In other words, 32 years have elapsed since the date of the incident. In the light of the above facts we reduce the sentence awarded to the appellant under Section 5(1)(c) of the Act under the proviso to three months. Likewise we reduce the sentence for the two offences under the IPC to three months R.I. as well, all the sentences to run concurrently.

With this modification in the sentence the appeal is dismissed.

.....J.
(HARJIT SINGH BEDI)

.....J.
(CHANDRAMAULI KR. PRASAD)

New Delhi,
October 19, 2010.