

CrI.A.No. 1026 OF 1999
ITEM No.109

Court No. 8

SECTION IIA

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. 1026 of 1999

Prem Chand Chaturvedi

Appellant (s)

Versus

State of Madhya Pradesh

Respondent (s)

(With office report)

Date : 15-07-2004 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)Mr. D.K. Garg, Adv.

For Respondent (s)Ms. Kamakshi S. Mehlwal, Adv.

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

Heard the learned counsel for the parties.

Accordingly, the appeal is allowed in-part and while upholding the order of conviction of the appellant, the sentence of imprisonment awarded against him is reduced to the period already undergone by him and fine of Rs.5,000/- awarded against him is enhanced to Rs.30,000/-, which should be deposited before the appropriate forum within a period of three months from today; in default to undergo simple imprisonment for a period of one year.

The appellant, who is on bail, is discharged from the liability of bail bonds.

[Alka Dudeja] [Om Prakash]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1026 OF 1999

Prem Chand Chaturvedi

... Appellant (s)

Versus

State of Madhya Pradesh ... Respondent(s)

O R D E R

Heard the learned counsel for the parties.

The appellant herein was convicted by the Trial Court under Section 5(2) read with Section 5(1)(d) of the Prevention of Corruption Act, 1947 and sentenced to undergo simple imprisonment for a period of one year and to pay fine of Rs.5,000/-; in default to undergo further imprisonment for a period of two months. On appeal being preferred, the High Court confirmed the conviction but reduced the sentence from one year to four months.

Hence, this appeal by special leave.

Learned counsel appearing on behalf of the appellant tried to persuade us that it is a case for acquittal but we do not find that any case of acquittal is made out as the two Courts below have passed the orders after threadbare discussion of the evidence and no case for interference with the order of conviction is made out. Learned counsel then submitted that the sentence of imprisonment for a period of four months should be reduced to the period already undergone as the appellant has remained in jail for a period of about one week and some reasonable amount of fine should be awarded against him. In

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the facts and circumstances of the case, we feel that it would be just and expedient to reduce the sentence of imprisonment to the period already undergone by the appellant and keeping in mind the nature of the allegations, he should be directed to pay fine of Rs.30,000/- instead of Rs.5,000/-.

Accordingly, the appeal is allowed in-part and while upholding the order of conviction of the appellant, the sentence of imprisonment awarded against him is reduced to the period already undergone by him and fine of Rs.5,000/- awarded against him is enhanced to Rs.30,000/-, which should be deposited before the appropriate forum within a period of three months from today; in default to undergo simple imprisonment for a period of one year.

The appellant, who is on bail, is discharged from the liability of bail bonds.

.....J.
(B.N. Agrawal)

.....J.
(H.K. Sema)

New Delhi,
July 15, 2004.