

**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO. 1134 OF 2003

RAMRAO LIMBAJI GARUD

.....

APPELLANT

VERSUS

STATE OF MAHARSHTRA

.....

RESPONDENT

O R D E R

1. The appellant was convicted for an offence punishable under Section 161 of the Indian Penal code and Section 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act, 1947. The trial court vide its judgment dated 5th January 1990 acquitted the accused. An appeal was thereafter taken by the State of Maharashtra to the High Court and the High Court by its judgment dated 26th March, 2003 reversed the judgment of acquittal and convicted the accused under Section 161 of the Indian Penal Code and ordered him to pay a fine of Rs. 2000/- and in default to

suffer one month rigorous imprisonment and a sentence of three months rigorous imprisonment for the offence under Section 5(1)d and 5(2) of the Prevention of Corruption Act and to pay a fine of Rs. 2,000/- and in default of payment to suffer rigorous imprisonment for one month.

2. Aggrieved by the order of conviction the appellant is before us in the present appeal by way of special leave.

3. We have heard the learned counsel for the parties.

4. We find that the Special Judge had rendered a somewhat confused judgment acquitting the appellant without discussing the ocular evidence and the documents on record. The High Court has on the contrary discussed the evidence denovo as the Special Judge had not done his job properly and on consideration of the evidence, has reversed the judgment of the Special Judge.

5. We are in this situation not inclined to interfere in the appellant's conviction. However, keeping in view the fact that the incident had happened in the year 1985 and the litigation has gone on for more than 25 years and in the light of the judgment of this Court in Dharam Vir v.

State of U.P. reported in 1994 Suppl. (1) SCC 100, we reduce the sentence of imprisonment to that already undergone by the appellant.

6. Bail bonds stand discharged.

7. The appeal is allowed to the above extent.

.....J
[HARJIT SINGH BEDI]

.....J
[CHANDRAMAULI KR. PRASAD]

NEW DELHI
AUGUST 18, 2010.

