

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.1221 OF 2001

Ajit Kumar Patnaik Appellant (s)

VERSUS

Republic of India through S.P., C.B.I. Respondent (s)
(With application for urging additional grounds and with office report)

Date : 24/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. Vinoo Bhagat, Adv.

For Respondent (s) Mr. L.N. Rao, A.S.G.
Mr. P.P.Malhotra, Sr.Adv.
Mr. T.A. Khan, Adv.
Mr. Rajeev Sharma, Adv.
Mr. P. Parmeswaran, Adv.UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed in terms of the signed order.

Since the respondent is on bail, he is directed to
surrender to custody to serve the remainder of the sentence.(Neena Verma) (Vijay Aggarwal)
Court Master Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 1221 OF 2001

Ajit Kumar Patnaik..... Appellant

Versus

Republic of India through S.P., C.B.I..... Respondent

O R D E R

We have heard Mr. Vinoo Bhagat, learned counsel appearing for the appellant who has taken great pains to highlight certain aspects with reference to the evidence of P.Ws., in particular, PW-6. According to him, the ingredients of the offences for which the accused-appellant was charged have not been established. It is pointed out that originally the acquisitions related to three transactions, but finally the Trial Court and the High Court confined the same to only one transaction and that too for a petty sum of Rs.1,000/-. According to him, there is no

material to show that he was recipient of the amount, though the handwriting expert's evidence and other evidence, even if conceded for the sake of argument, goes to show that the signatures of the alleged recipient were, in reality, forged by accused-appellant. It is finally submitted that after a span of two decades, it would not be proper to maintain the sentence that was awarded by the Trial Court and affirmed by the High Court.

We have heard Mr. L. Nageshwara Rao, learned Additional Solicitor General appearing for the respondent who has supported the judgments.

In our view, this is not a fit case which warrants any interference, more particularly, in view of the detailed analysis of the evidence made by the trial court and the High Court. So far as the sentence aspect is concerned, the case relates to the one under the Prevention of Corruption Act. In such matters, no leniency is to be shown to an offender who is found to have committed an offence under the said Act.

The appeal is, therefore, dismissed. Since the respondent is on bail, he is directed to surrender to custody to serve the remainder of the sentence.

.....J.
(DORAISWAMY RAJU)

.....J.
(ARIJIT PASAYAT)
New Delhi,
September 24, 2003.