

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

Petition(s) for Special Leave to Appeal (Crl) No(s).5416/2011

(From the judgement and order dated 08/02/2011 in CRLA No.
276/1991 of The HIGH COURT OF BOMBAY)

NARAYAN RAMDAS CHAVAN Petitioner(s)

VERSUS

STATE OF MAHARASHTRA Respondent(s)

(With appln(s) for bail,stay,permission to file additional
documents and office report)

Date: 16/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Shivaji M. Jadhav,Adv.

For Respondent(s) Mr. Shankar Chillarge, AAG,
Ms. Asha Gopalan Nair,Adv.
Mr. Pratik Bombarde, Adv.

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

Leave granted.
The appeal is disposed of in terms of the signed
order.

(Shashi Sareen) (Shashi Bala Vij)
Court Master Assistant Registrar
(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL No. 1601 OF 2011
(Arising out of SLP(Crl.) No. 5416 of 2011)

NARAYAN RAMDAS CHAVAN ... Appellant(s)

Versus

STATE OF MAHARASHTRA ... Respondent(s)

O R D E R

1. Leave granted.

2. This court, vide its order dated 1.8.2011, issued notice only on the quantum of sentence.

3. The appellant was a Civil Surgeon at the relevant time and was caught while accepting a bribe of Rs. 600/-. The appellant was acquitted by the trial court. However, in appeal filed by the State, the High Court set-aside the acquittal and convicted the appellant. This incident took place in 1986. Thereafter twenty five years have elapsed.

4. Mr. Shivaji Jadhav, learned counsel appearing for the appellant presses only on the question of sentence under Sections 5(1)(d) read with 5(2) of the Prevention of Corruption Act, 1947. The minimum sentence was of one year. However, for the special reasons to be recorded, the sentence could be reduced. Mr. Jadhav points out that the appellant is 71 years of age and has already undergone more than one month of imprisonment. He has also undergone a major surgery and has indifferent health. The statement about undergone sentence is not controverted by the learned counsel appearing for the State.

5. In that view, Mr. Jadhav prays that the appellant may not be sent back to the jail and some consideration may be shown in respect of his sentence.

6. Considering the overall circumstances of the case, we feel that the sentence already undergone by the appellant would a proper sentence in this case. We modify the sentence accordingly. The sentence of fine shall remain unaltered. The impugned judgment stands modified to that extent. The appellant be released from the jail forthwith unless he is required in some other case.

7. With the aforesaid modification, the appeal stands disposed of.

.....J.
(V.S.SIRPURKAR)

.....J.
(T.S.THAKUR)

New Delhi,
August 16, 2011.