

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).2238/2007

(From the final judgement and order dated 21/02/2007 in CRLA No. 626/1998 & CRLA No. 627/1998 & CRLA No. 628/1998 of The HIGH COURT OF MADRAS)

K.RAJENDRA BABU

Petitioner(s)

VERSUS

STATE REP.BY PUBLIC PROSECUTOR

Respondent(s)

(With appln(s) for exemption from filing O.T.,bail)

Date: 27/04/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s)

Ms. E.R. Sumathy,Adv.

Mr. Mallikarjun S. Mylar, Adv.

Mr. K. Lingaraja, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The petitioner who was sentenced to three years rigorous imprisonment for the offence punishable under various provisions of the Indian Penal Code and the Prevention of Corruption Act preferred an appeal to the High Court. The counsel appearing for the appellant did not challenge the order of conviction but argued only on the question of sentence.

The

High Court has recorded this fact and reduced the sentence to one year rigorous imprisonment on each count.

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It is now submitted that the counsel had never been instructed to argue only on the question of sentence. He ought to have argued the appeal challenging the conviction as well.

Let notice issue to the respondent to show cause why the Special Leave be not granted and the matter remanded to the High Court for fresh consideration of the case on merit.

We have informed the counsel and counsel has clearly understood the implication of the remand, because if on remand

the Court finds the petitioner guilty, the Court may sentence him

to a term of imprisonment which may be more than one year, and

the petitioner will not then be permitted to argue that the

sentence earlier awarded ought to be awarded.

In the meantime, let the petitioner be released on bail on

his furnishing bail bonds and sureties to the satisfaction of the

Trial Court.

(Sukhbir Paul Kaur)

Court Master

(Vijay Dhawan)

Court Master