

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).6368/2011

(From the judgement and order dated 08/03/2011 in CRLA No.1162/2004, of
The HIGH COURT OF KARNATAKA CIRCUIT BENCH ATR DHARWAD)

S.GOPAL RAO

Petitioner(s)

VERSUS

STATE OF KARNATAKA

Respondent(s)

WITH SLP(Crl) NO. 6261 of 2011
(With appln(s) for bail and office report)

Date: 03/07/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. C.M. Angadi, Adv.
Mr. Rameshwar Prasad Goyal,AOR.

For Respondent(s) Mr. H.P. Raval, ASG.
Mr. P.K. Dey, Adv.
Mr. S.Rain, Adv.
Mr. Arvind Kumar Sharma,AOR.

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

SLP(Crl.)No.6368 of 2011, has been filed by the petitioner, S.GOPAL RAO, against the judgment and final order dated 8th March, 2011, passed by the Circuit Bench of the Karnataka High Court at Dharwad, in Crl.Appeal No.1162 of 2004, wherein he stood convicted in respect of charges under Section 409,420,468,471 and 477-A IPC and Sections 13(1)(c) and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and was sentenced to undergo rigorous imprisonment for a period of three years and to pay a fine of ` 5000/- in respect of each one of the aforesaid offences.

SLP(Crl.)No.6261 of 2011, has also been filed by S.GOPAL RAO, against the judgment and final order dated 10th January, 2011, passed by the Circuit Bench of the Karnataka High Court at Dharwad, in Crl.Appeal No.1799 of 2004, wherein he was convicted under Sections 409,468,451 and 477A IPC and also under Section 5(1) and Section 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act and was sentenced to undergo rigorous imprisonment for a period of three years, which was reduced to two years and was also required to pay fine of ` 10,000/- instead of ` 5000/- on each count.

As far as the first matter is concerned, the High Court while maintaining the conviction, reduced the sentence of imprisonment from two years to one year. In the second matter, while maintaining the conviction, the High Court reduced the sentence to a period of two years instead of three years, while increasing the fine from ` 5000/- to ` 10,000/-, on each count.

It has been submitted on behalf of the petitioner that the petitioner has already undergone more than one year's imprisonment, which,

in fact, covers the sentence imposed in Crl.Appeal No.1162 of 2004, but he is yet to complete the period of sentence in the second matter and has, therefore, prayed for bail, as far as the second matter is concerned.

Having heard learned counsel for the parties, we allow the petitioner's prayer for bail in the second matter and direct that he be released on bail to the satisfaction of the trial court, upon such terms and conditions, as may be considered necessary to ensure his presence during the hearing of the Special Leave Petitions.

|(Sheetal Dhingra)
|COURT MASTER

|(Juginder Kaur)
|Assistant Registrar

|