

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL APPEAL NO. (S).2180 OF 2014  
(Arising out of SLP(Crl.) No.7831 of 2013)

BHUSHAN SHARMA

Appellant(s)

VERSUS

STATE THR. CBI, DELHI

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of an order dated 30<sup>th</sup> April, 2013 passed by the High Court of Delhi whereby Crl. Appeal No.679 of 2002 filed by the appellant against his conviction for the offences punishable under Section 7 and 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988, has been dismissed and the sentence of two years' rigorous imprisonment on both counts besides a fine of Rs.3000/- and a default sentence of six months' simple imprisonment on each count affirmed.

When this appeal came up before us for the first time for preliminary hearing on 23<sup>rd</sup> September, 2013, we issued notice to the respondent-State through CBI limited to the question of quantum of sentence awarded to the appellant.

We have accordingly heard learned counsel for the parties on that limited question. The incident in-question is said to have taken place as early as in the year 1993. The trial court judgment came after prolonged trial only on 12<sup>th</sup>/16<sup>th</sup>

August, 2002. The appeal filed by the appellant before the High Court also took nearly 11 years to be heard and disposed of. The bribe amount was limited to Rs.1000/-. The appellant is nearly 60 years of age as of present.

Keeping in view the totality of the circumstances, we are inclined to alter the sentence awarded to the appellant from two years' rigorous imprisonment to one year rigorous imprisonment on both counts with the direction that the sentences shall run concurrently. We, however, see no reason to interfere with the fine amount imposed by the trial court as affirmed by the High Court or the default sentence awarded by them.

The appeal is accordingly allowed in part and to the extent indicated above in modification of the orders passed by the courts below.

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

.....J  
(R. BANUMATHI)

NEW DELHI  
DATED 10<sup>th</sup> OCTOBER, 2014

ITEM NO.43

COURT NO.2

SECTION II

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 7831/2013

(Arising out of impugned final judgment and order dated 30/04/2013 in CRLA No. 679/2002 passed by the High Court Of Delhi At N. Delhi)

BHUSHAN SHARMA

Petitioner(s)

VERSUS

STATE THR. CBI, DELHI

Respondent(s)

(With appln. (s) for bail)

Date : 10/10/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR  
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Fakhruddin, Sr. Adv.  
Mr. Manoj R. Sinha, Adv.  
Mr. T. Mahipal, Adv.  
Ms. Shruti, Adv.

For Respondent(s) Mr. P.S. Patwalia, ASG  
Mr. P.K. Dey, Adv.  
Mr. Syed Tanweer Ahmad, Adv.  
Mr. Gaurav Sharma, Adv.  
Mr. B. V. Balaram Das, Adv.

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

Leave granted.

In terms of the signed order, the appeal is allowed:

"Keeping in view the totality of the circumstances, we are inclined to alter the sentence awarded to the appellant from two years' rigorous imprisonment to one year rigorous imprisonment on both counts with the direction that the sentences shall run concurrently. We, however, see no reason

to interfere with the fine amount imposed by the trial court as affirmed by the High Court or the default sentence awarded by them.

The appeal is accordingly allowed in part and to the extent indicated above in modification of the orders passed by the courts below."

(MAHABIR SINGH)  
COURT MASTER

(VEENA KHERA)  
COURT MASTER

(Signed order is placed on the file)