

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(s). 1278 OF 2004

VASANT DIGAMBAR WAGHE

Appellant (s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With appln(s) for permission to place addl. documents on record and office report)

Date: 07/12/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HARJIT SINGH BEDI
HON'BLE MR. JUSTICE P. SATHASIVAM
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. U.B.Dube,Adv.
Mr. Kuldip Singh,Adv.

For Respondent(s) Mr. Sachin Patil,Adv.
Mr. Sanjay V.Kharde,Adv.
Ms. Asha Gopalan Nair,Adv.

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

With modification in the sentence, the appeal is
dismissed.

[SUMAN WADHWA]
COURT MASTER

[VINOD KULVI]
COURT MASTER

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1278 OF 2004

VASANT .. APPELLANT(S)

vs.

STATE OF MAHARASHTRA .. RESPONDENT(S)

O R D E R

The appellant and another person were brought to
trial for offences punishable under Sections 161 and 165-A

of the Indian Penal Code and Sections 5 (1)(d) read with 5(2) of the Prevention of Corruption Act, 1947 (PC Act).

The Trial Court by its judgment dated 20/7/1990 acquitted both the accused. An appeal was thereafter taken by the State to the Bombay High Court and the High Court while confirming the acquittal of the second accused has upset the judgment of the Trial Court vis.-a-vis. the appellant herein who was accused No.1, before the Trial Court.

This matter is now before us after the grant of special leave.

We have heard the learned counsel for the parties and have gone through the judgment as also part of the evidence with their assistance. We are of the opinion that

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in the light of the fact that the accused-appellant had admitted that the money had been recovered from him though he tendered an explanation which was contrary to the prosecution story, that no fault can be found with the appellant's conviction. We accordingly endorse the findings of the High Court to that extent.

We also see that the High Court while convicting the appellant had sentenced him to one year's R.I. and a fine of Rs.2000/- for the offence under Sections 5(1)(d) read with 5(2) of the P.C. Act and to rigorous imprisonment for three months under Section 161 of the IPC. We are of the opinion that in the circumstance that the incident happened in the year 1988 and the appellant has since retired from service, the sentence of imprisonment imposed under the Corruption Act should be reduced from one year to three months.

With this modification in the sentence we dismiss the appeal.

.....J.
(HARJIT SINGH BEDI)

.....J.
(P. SATHASIVAM)

.....J.
(CHANDRAMAULI KR. PRASAD)

New Delhi,
December 7, 2010.