

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. 7335/2001
(From the judgement and order dated 21/11/2001 in CRLA 1410/2000
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MOULA & ANR.

Petitioner (s)

VERSUS

STATE OF KARNATAKA

Respondent (s)

(With Appln(s). for bail)
(With Office Report)

Date : 14/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s) Mr. K. Rajendra Chowdhary, Sr. Adv.
Mr. Rakesh K. Sharma, Adv.

For Respondent (s)

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

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The accused who have been convicted under Sections 7, 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, 1988 and have been sentenced to one year, has preferred an appeal. The High Court, while entertaining the appeal, refused to suspend the sentence. It is against this order, the accused have moved this Court. While refusing to suspend the sentence the High Court has itself suspended the sentence till the end of December, 2001 on account of which the accused have not surrendered as yet.

Though, under the Rules, no application can be taken for consideration unless the accused surrenders and in fact there has been no application for exemption from surrendering, but the learned counsel makes an oral prayer to exempt the accused from surrendering in the special facts and

circumstances of the present case. We find sufficient justification for exempting the accused from surrendering, particularly when the accused have been sentenced only to a period of one year while the appeal is pending before the High Court. We, therefore, exempt the petitioners from surrendering and direct that the petitioners be released on interim bail to the satisfaction of the Principal Sessions Judge, Raichur, Karnataka.

Issue notice to the State indicating that the special leave petition would be disposed of at the admission stage itself.

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(J.S. Rawat)
Court Master

(V.P. Tyagi)
Court Master