

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).9479/2010

(From the judgement and order dated 27/07/2010 in CRLA No. 2027/2002 of The HIGH COURT OF KARNATAKA AT BANGALORE)

SHYLAJA DEVARAJ

Petitioner(s)

VERSUS

STATE BY CBI

Respondent(s)

(With appln(s) for bail,stay and office report )

Date: 29/03/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s)

Mr. Altaf Ahmed, Sr.Adv.  
Mr. G.R. Mohan, Adv.  
Mrs. A.M.P. Lajha, Adv.  
Mrs. Prabha Swami,Adv.

For Respondent(s)

Mr. Harish Chandra, Sr.Adv.  
Mr. P.K. Dey, Adv.  
Mr. Vivek N. Sharma, Adv.  
Mr. Arvind Kumar Sharma,Adv.

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

Leave granted.  
The appeal is partly allowed in terms of the signed order.

(Sukhbir Paul Kaur)  
Court Master

(Renuka Sadana)  
Court Master

(Signed Order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.831 OF 2011  
(Arising out of SLP(Crl.) No.9479 of 2010)

SHYLAJA DEVARAJ

Appellant(s)

Versus

STATE BY CBI

Respondent(s)

O R D E R

We have heard learned senior counsel for the parties.

Leave granted.

This appeal is directed against the final judgment and order dated 27th July, 2010 in Criminal Appeal No. 2027 of 2002 passed by the High Court of Karnataka at Bangalore whereby the High Court dismissed the Criminal Appeal filed by the appellant herein and maintained the sentence of two years rigorous imprisonment under Section 7 of the Prevention of Corruption Act, 1988 and also maintained the fine imposed by the Trial Court. The High Court, further confirmed the conviction of the appellant herein for the offence under Section 13(1)(d)(iii) punishable under Section 13(2) of the Prevention of Corruption Act (in short 'the Act'). However, the High Court reduced the sentence to two years.

We find no merit in this appeal since both the Courts below, upon appreciation of evidence, found the  
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appellant to be guilty of the offence punishable under Section 7 of the Act as well as for the offence under Section 13(1)(d)(iii) punishable under Section 13(2) of the Act.

However, the High Court itself noticed that the appellant herein does not bear any criminal antecedents and faced a long trial. It is further brought to our notice that the health condition of the appellant is precarious.

Having regard to the age and health condition and the prolonged trials he has suffered, we consider it appropriate to reduce the sentence of two years rigorous imprisonment for the offence punishable under Section 7 of the Act to that of one year rigorous imprisonment. Likewise, the sentence awarded for the offence under Section 13(1)(d)(iii) of the Act is reduced to one year's imprisonment. Both the sentences

to run concurrently. The fine imposed by the Courts  
below and default sentences are however, maintained.

The appeal is, accordingly, partly allowed.

.....J.  
(B.SUDERSHAN REDDY)

.....J.  
(SURINDER SINGH NIJJAR)

New Delhi,  
March 29, 2011