

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1599 OF 2011
(arising out of SLP (Crl.) No. 2816 of 2011)

TARSEM LAL VERMA

.....APPELLANT(S)

VERSUS

STATE (GOVT. OF NCT OF DELHI) & ANR.

.....RESPONDENT(S)

O R D E R

Leave granted.

Heard counsel for the parties.

The appellant stands convicted under Section 161 of the Indian Penal Code, 1860 and Section 5(1)(d) read with Section 5(2) of the Prevention of Corruption Act, 1947. The trial court sentenced him to undergo rigorous imprisonment for three years and a fine of `500, with default clause, under Section 161 of the Code and rigorous imprisonment for four years and a fine of `500, with default clause, under Section 5(2) of the Prevention of Corruption Act. The two sentences were directed to run concurrently.

In appeal, the High Court, while maintaining the conviction, reduced the sentences to 1 year rigorous imprisonment on each count.

According to the prosecution case, the appellant was working as Picker in the Spare Parts Department of Maruti Udyog Limited. One Naresh Batra, Manager (Spare

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Parts) of M/s. Competent Automobiles Co.(P) Ltd. filed a complaint with SP (CBI) stating that their company had placed an order with Maruti Udyog Limited for supply of some spare parts against advance payment. It was alleged

in the complaint that the appellant approached him and demanded a bribe of `12,000 stating that in the parcel sent to the Company, he, along with two other Pickers, had put additional spare parts over and above their order. The

appellant once again approached the Manager and produced two slips containing the details of the extra articles packed in the parcel. Consequently, a trap was laid where the appellant was caught red-handed accepting bribe.

After having tried to unsuccessfully assail the conviction of the appellant, Ms. Nitya Ramakrishnan, learned counsel appearing on his behalf, submitted that there were certain special reasons that should persuade the Court to reduce the appellant's sentence even from the statutory minimum given to him by the High Court. She submitted that the occurrence took place 23 years ago in the year 1988 and the appellant has gone through the rigours of the criminal trial for all these years. As a fallout of the occurrence, the appellant had already lost his job. Further, he has remained in jail now for about six months, that is to say, he has undergone half of the sentence given to him.3/-

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In support of the submission for reducing the sentence to the period already undergone by the appellant, she relied upon a decision of this Court in Aditya Nath Pandey v. State of Uttar Pradesh, (2000) 9 SCC 206.

On hearing counsel for the appellant, we are satisfied that in the facts and circumstances of the case, the ends of justice would meet if the sentence of imprisonment awarded to the appellant is reduced to the period already undergone by him. We, accordingly, do so.

The fines imposed on him under the two sections are left undisturbed. In case, the appellant has already deposited the amount of fines, he would be released forthwith, otherwise, on payment of the amount of fines.

The criminal appeal is disposed of with the above directions.

.....J
(AFTAB ALAM)

.....J
(R.M. LODHA)

NEW DELHI,
AUGUST 16, 2011.
ITEM NO.48

COURT NO.10

SECTION II

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).2816/2011

(From the judgement and order(s) in CRLA No. 59/2002 dated 25-MAR-11
of the HIGH COURT OF DELHI AT NEW DELHI)

TARSEM LAL VERMA

Petitioner(s)

VERSUS

STATE (GOVT.OF NCT OF DELHI) & ANR.

Respondent(s)

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

Date: 16/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)

Ms. Nitya Ramakrishnan, Adv.
Ms. Sushasini Sen, Adv.
Mr. Rahul Kriplani, Adv.
Mr. Snehasish Mukherjee, Adv.

For Respondent(s)

Mr. Harish Chandra, Sr. Adv.
Mr. Mukesh Verma, Adv.
Mrs. Anil Katiyar, Adv. (NP)
Mr. Arvind Kumar Sharma, Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.
The criminal appeal is disposed of.

(N.S.K. Kamesh)
Court Master

(S.S.R. Krishna)
Court Master

(signed order is placed on the file)